SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 1, 2005

8:30 A.M.

(PAGES 4411 THROUGH 4471)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 4411

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
KLAPAKIS, Jeff	4415-M	4423-SN	4431-M	
(Cont’d)				
GREEN, Jack	4413-A	4452-SA	4467-A	

E X H I B I T S

FOR IN PLAINTIFF'S NO.	DESCRIPTION	I.D.	EVID.
298	Telephone Numbers		4444
299	Copy of report by Jack Green		4446

Santa Maria, California
Friday, April 1, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE JURY: (In unison) Good morning
THE COURT: Counsel, you may proceed.
MR. MESEREAU: Thank you, Your Honor.

JEFF KLAPAKIS
Having been previously sworn, resumed the
stand and testified further as follows:

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Klapakis, did you suggest last week that
because of your discussions with the FBI you delayed
fingerprint analysis for a year?
A. “Last week,” do you mean Wednesday?
Q. Oh, that’s right. That’s right. You’re
right. How about Wednesday, did you suggest that
the FBI -- your discussions with the FBI had
something to do with a one-year delay in analyzing
fingerprints?
A. No, my discussion with the FBI had to do
with basically doing background investigations for 4415

1 us as well as computer work for us.
2 Q. Did you suggest that the Department of
3 Justice and the State of California does not do
4 fingerprint analysis?
5 A. What I suggested was that their priorities
6 are for other agencies, and we can do fingerprints
7 ourselves.
8 Q. But they do do fingerprint analysis,
9 correct?
10 A. Yes.
11 Q. And at times your office will use the
12 Department of Justice to do fingerprint analysis,
13 correct?
14 A. I believe that we have, but it's very rare.
15 We do it ourselves.
16 Q. Do you know somebody named George Levine of
17 the Department of Justice?
18 A. Yes, I do.
19 Q. Who is George Levine?
20 A. He's an examiner with the Department of
21 Justice.
22 Q. And what does he do, to your knowledge?
23 A. Well, he does a lot of things, but I believe
24 fingerprints is one of them.
25 Q. And how long have you known him?
26 A. Oh, I think George has been with the agency
27 longer than I have been with the sheriff's
28 department. So over 20 years. 4416

Q. Have you worked with him on fingerprint analysis before?
A. Yes, I believe we have.
Q. Now, did you suggest to the jury that because it took so long to separate pages out of magazines that fingerprint analysis in this case needed to be delayed for a year?
A. That's not what I suggested.
Q. What did you suggest when you told the jury about the laborious process of removing pages from magazines?
A. Well, that it was a multi-phase process, and that we wanted to -- there were several things that we had to do. We wanted to maintain control over the evidence, and not piecemeal it out. And because portions of the magazines were in different locations, we had to do those phases at different times.
Q. And are you saying that contributed to a delay in analyzing fingerprints?
A. Yes, it did.
Q. Okay. And how long was the delay in analyzing fingerprints that you would attribute to separating out pages from magazines?
A. I'm not quite sure I understand the question.
Q. You've said that separating pages out from magazines caused a delay in analyzing fingerprints, 4417

correct?
A. Yes.
Q. The delay was approximately one year,
correct?
A. Approximately.
Q. Are you attributing that delay exclusively
to your need to separate out pages from magazines?
A. No.
Q. Okay. Now, as the head of the search of Mr.
Jackson's residence, you were in charge of
determining what forensic tests would be done of
anything found in the residence, true?
A. I was part of that process, yes.
Q. Did you ask for any forensic tests on any
bottles that seemed to contain alcoholic beverages?
A. No.
Q. Do you know if any forensic tests were done
on bottles that seemed to contain alcoholic
beverages found at Mr. Jackson's residence?
A. I don't believe we did.
Q. You saw bottles that seemed to contain
alcoholic beverages in the wine cellar, correct?
A. I believe some of the investigators did,
yes.
Q. And you found bottles that seemed to contain
alcoholic beverages in the kitchen, correct?
A. Yes.
Q. And they appeared to be in unlocked areas, 4418

correct?
A. Correct.
Q. You found bottles that seemed to contain alcoholic beverages in Mr. Jackson's bedroom, true?
A. Yes, there was a bottle of alcohol in his bedroom.
Q. Do you know if any forensic tests were ever done on any bottles that seemed to contain alcoholic beverages in Mr. Jackson's bedroom?
A. Not to my knowledge.
Q. Did it ever occur to you that trying to determine whose fingerprints were on bottles of that sort might have merit in the investigation?
A. Well, it would -- my belief is, is that we were talking about something that occurred eight months prior to the service of the search warrant, so the answer would be no.
Q. How long do fingerprints tend to last on surfaces, based upon your experience as a police officer?
A. They can last that long, at least.
Q. They can last many years, correct?
A. Yes.
Q. Given what you had heard about potential charges, did it ever occur to you that trying to see whose fingerprints were on glasses or bottles, glasses that seemed to have contained or are used to contain alcoholic beverages or bottles that seem to 4419

1 contain alcoholic beverages, might be relevant?
2 A. We didn't at the time.
3 Q. Okay. Did you do it at any time?
4 A. No.
5 Q. When the search went on in Michael Jackson's
6 home, did you have a particular location where you
7 had either a desk or a chair?
8 A. Did I?
9 Q. Yes.
10 A. I believe -- I'm not quite sure I
11 understand. Did I have a desk or a chair?
12 Q. Did you -- as head of the search, did you
13 have a central location in the residence of Mr.
14 Jackson where people came back and forth to report
15 to you?
16 A. No. I don't believe I had a central
17 location, no.
18 Q. So were you essentially walking around the
19 residence during the entire search?
20 A. I was moving about the estate, yes.
21 Q. Okay. And were you supervising what people
22 who reported to you were doing?
23 A. I along with others.
24 Q. Okay. Was your function primarily a
25 supervisory function?
26 A. Yes.
27 Q. Did you ever ask for any fingerprint
28 analysis of items of furniture in Mr. Jackson's 4420

1 bedroom?
2 A. No.
3 Q. Did you ever ask for any fingerprint
4 analysis of various boxes you saw in Mr. Jackson's
5 bedroom?
6 A. No.
7 Q. Did you ever ask for a fingerprint analysis
8 of a lot of the mannequin-type toys you found in Mr.
9 Jackson's bedroom?
10 A. No.
11 Q. Did you ever ask for a fingerprint analysis
12 of anything you saw on the floor in Mr. Jackson's
13 bedroom?
14 A. If some magazine material was found on the
15 floor, yes, we would have, but --
16 Q. Was the fingerprint analysis you requested
17 only directed at magazines?
18 A. I believe so, yes.
19 Q. Did you ever request any fingerprint
20 analysis of anything you saw hanging on the wall?
21 A. No.
22 Q. How about the railing on the stairs going
23 into Mr. Jackson's bedroom?
24 A. No.
25 Q. How about any of the doors you have to go
26 through to enter Mr. Jackson's bedroom?
27 A. No.
28 Q. Now, other than fingerprints and DNA 4421

analysis, is there any other type of forensic test you wanted done during the day of that search?
A. During the day of the search, no.
Q. Were the forensic tests that you asked to be done limited to looking for DNA and looking for fingerprints?
A. Well, we -- I also believe that photography is part of forensic work, and so we photographed the different rooms of the estate and different things of that nature, but limiting it to that, yes.
Q. Was any effort ever made to see if you could find fibers, hair or material, in Mr. Jackson's bedroom that you could link to any of the Arvizos?
A. Well, when we took the bedding from Mr. Jackson's bed, I wasn't limiting it to biological fluids. I was limiting -- basically, I wanted a complete analysis of anything that they found out there. So, we took the -- all the bedding and left it to the examiners to determine what evidence might be on that bed.
Q. And clearly, you never found any of the Arvizos' DNA in that bedding, correct?
A. That's correct.
Q. And you never found their hair or fibers in that bedding, correct?
A. That's correct.
Q. And you never found any of their prints on any furniture linked to Mr. Jackson's bed, correct? 4422

A. That's correct.
MR. MESEREAU: I have no further questions at this time.
THE COURT: Redirect?

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Let's go back to some of the things you were talking about last Wednesday that Mr. Mesereau was asking you about, and specifically the execution of the search warrant.
You were asked by Mr. Mesereau about what you typically do in a typical murder case. Not that there's really a typical murder case. But with regard to a murder case that occurs in a residence, all right? When you have a murder case that occurs in a residence, what are you legally required to do in order to process the crime scene?
A. We have to obtain a search warrant.
Q. And when you obtain a search warrant from a judge to allow you to process the crime scene of a residence, are there ordinarily any time limitations placed upon you in terms of how long you can remain at the residence to complete the process of the crime scene?
A. No. We could -- it could take a day, it could take a week. Whatever it takes to process the scene. 4423

Q. And have there been cases involving your agency in which crime scenes have been secured and processed over the -- over days and weeks?
A. Yes.
Q. Have you ever, in your experience, and to your knowledge with the sheriff's department, had a residence and a ranch of the size of Mr. Jackson's that you've had to ever search?
A. No.
Q. And just so the jury's clear on this, there was more than one building searched that day, correct?
A. There were several.
Q. In addition to his residence?
A. Yes.
Q. Would you consider the residence a typical search by your department?
A. No.
Q. Why?
A. Well, it involved a very large main house on the estate. It also involved different buildings on the estate. It -- the estate, the house, was packed with a lot of things that we had to go through. We had to make sure that we were very careful with them. And the search also conducted was in different locations within the estate.
Q. Did you know at the time that you executed the search warrant on November the 18th, 2003, 4424

whether or not Mr. Jackson was present on the ranch?
A. We were not aware that he was on the ranch.
Q. Now, with regard to the time constraints given to you with the execution of the search warrant on Mr. Jackson's ranch, what time constraints were you given on that?
A. I was told that I had to be done within a day.
Q. And how did that come about?
A. Well, I had asked you if we could write in the search warrant that we could take a couple of days or more to conduct this search, because of the size of the estate, plus the other things involved in this investigation, other searches. And through that discussion, it was decided that we were going to have to do it within one day, so as not to burden the ranch and its employees with our presence longer than that.
Q. And was there some relationship between the amount of time and the number of personnel that you needed to do it within the time constraints that you were given?
A. Well, based on the size of the estate, we felt that in order to get it done within that time frame, we had to have an abundance of personnel. It wasn't just the search.
Q. All right. Now, with regard to the questions Mr. Mesereau asked you about whether you 4425

gave any instructions to the people who were under your supervision during the execution of the search warrant; do you recall that question?
A. Yes.
Q. What were your instructions to your people?
A. Do not talk to the press.
Q. You were also asked by Mr. Mesereau whether or not you had -- whether or not there were media that were -- that came outside the ranch on the second search warrant that was executed almost a year later in December of 2004. Do you recall that?
A. Yes.
Q. And with regard to the source of the information that was given to the media, to your knowledge, was the sheriff's department responsible for that?
A. No, we were not.
Q. And to your knowledge, was it somebody connected outside of the sheriff and law enforcement community?
A. That's what I believe.
Q. Now, Mr. Mesereau asked you several questions about items that were found at certain locations and used the word "unlocked." To your knowledge, was the wine cellar unlocked when you folks first got into the building on the morning of the 18th of November?
A. The wine cellar was locked. 4426

Q. And with regard to the closets in Mr. Jackson's bedroom where the alcohol was located, to your knowledge, was that locked or unlocked at the time it was first approached by your folks?
A. His bedroom was locked and alarmed.
Q. And the closet in which the two bottles of alcohol were found, was that closet locked or unlocked at the time that your folks first approached that closet and opened it?
A. The -- I'm not sure of the location you're talking about.
Q. Downstairs in the master suite.
A. The master suite was locked.
Q. And the closets in the master suite?
A. I'm not sure of that. I know I wasn't the one of first ones to enter into the master suite. I know the -- I was -- excuse me, I was the first -- one of the first ones to enter the master suite. But as to the closets, I can't tell you.
Q. All right.
A. One closet was locked. It was on the -- it was on the left side library, or left side bathroom, excuse me. There was a locked door there.
Q. The one with the Jacuzzi-type tub?
A. Next to the safe. Yes.
Q. Okay. Now, before you executed the search warrant or before the search warrant was executed on November 18th, were you aware of the interviews that 4427

had been conducted with the Arvizo children?
A. Yes.
Q. And were you aware of the information that they had provided about the interior of Mr. Jackson's bedroom suite area?
A. Yes.
Q. At the time that you were executing your search warrant on November the 18th of 2003, how much time had elapsed between the time that you had information that the crimes were committed and the time you were executing the warrant?
A. Nine months. Eight, nine months.
Q. Now, at that time, Mr. Mesereau asked you whether or not you took any prints off the balcony or whether you looked for hair or fibers or anything else. Was there a reason that wasn't really an important part of the investigation at that particular stage in time?
A. It just didn't enter into the investigation at that particular time.
Q. Why?
A. Well, we were -- we had certain information regarding the crimes. We went in to the search looking for those things. Our search was limited in time, and we were doing several other things, interviews, other searches in other locations. The -- this investigation was atypical because it entered into other -- other crimes, other overt acts 4428

in which we had to investigate.
Q. With regard to the presence of the Arvizo children in Mr. Jackson's master bedroom and in the suite itself, at the time you were executing the search warrant, can you tell us whether or not there was any doubt in the investigators' minds that they had actually been in those rooms?
A. No, they described it uniquely, and it -- we actually knew where we were going when we --
MR. MESEREAU: Objection. Calls for hearsay and speculation. And also it's improper.
THE COURT: Sustained.
MR. SNEDDON: Judge, what's the basis? Because I may be able to cure it. Because I didn't think it was hearsay.
THE COURT: Well, you're talking about what was in the other investigators' minds.
MR. SNEDDON: I'm sorry, then I can cure it.
Q. With regard to what was in your mind as the lead investigator during the course of the execution of this search warrant, were you aware of the information that the Arvizo children had provided to you?
A. Yes.
Q. And with regard to that information, did that have an impact on you with regard to trying to prove whether or not they were ever in those rooms?
A. No, they had described it. And when we 4429

entered the room, it fit their description.
Q. All right. Mr. Mesereau asked you one other -- another question with regard to whether -- you were trying to explain what -- he uses the word "delay" in the processing of the print. And you answered the question, "No." Why was there no -- you didn't consider that to be a delay of over a year?
A. As Mr. Mesereau stated, latents can stay on an object for a long time. We were protecting the items of evidence. They were in different locations. We were conducting our processes as we were able to. And ultimately we were able to develop and stabilize the latents that we felt were on the items of evidence.
Q. Were there other items that were taken that you believe could have been processed for forensic evidence?
A. Sure. We could have fingerprinted some alcohol bottles or other things like that, but we didn't.
Q. With regard to this particular case, there are a number of books that are in evidence.
A. Yes.
Q. You're aware of that?
A. Yes.
Q. Was there a conscious decision made with regard to those particular books and processing them 4430

for the latent prints?
A. Right. The -- the books, in a discussion with Mr. Zonen, was -- we determined not to conduct a latent fingerprint examination on them, because the process to do so would have, one, destroyed the book and made the pages toxic. Mr. Zonen preferred to keep the book in its original condition, and so the decision was made not to attempt the latent search on them.
MR. SNEDDON: Thank you. Nothing further.
MR. MESEREAU: May I just take one second, Your Honor?
THE COURT: Yes.
(Off-the-record discussion held at counsel table.)

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Your investigation, I'm talking about you personally, Lieutenant, began approximately June 13th, 2003, when you were contacted by Attorney Larry Feldman, true?
A. No. I started this in February.
Q. Okay.
A. If that's -- I began in February 2003.
Q. Okay. But in the operations plan that was developed and typed up for the search that you were in charge of, you attached a case timeline, correct? 4431

A. The sergeant who developed the ops plan did, yes.
Q. And that was Sergeant Eric Koopmans, correct?
A. Koopmans, yes.
Q. Did he develop that plan with your assistance?
A. Certainly mine. Sergeant Roble's.
Q. With respect to that search, you talk about you being contacted by Attorney Larry Feldman on Friday, June 13th, 2003, correct?
A. I believe that was the date.
Q. Okay. Do you know why that timeline doesn't include the investigation you were doing much earlier?
A. The ops plan is basically the synopsis, a brief synopsis, of giving the investigators some background on our investigation. I can't tell you why it didn't have the February information.
Q. And the timeline associated with the operations plan doesn't include the fact that you personally called the Department of Children & Family Services and asked them not to interview the Arvizos, correct?
MR. SNEDDON: Your Honor, this is beyond the scope of the redirect. I object.
THE COURT: Sustained.
MR. MESEREAU: I have no further questions, 4432

Your Honor.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: You may step down.
MR. AUCHINCLOSS: Your Honor, we'll call as our next witness Jack Green.
THE COURT: When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

JACK GREEN
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Okay. My name is Jack Green; G-r-e-e-n.
BAILIFF CORTEZ: Sir, would you speak into the microphone?
THE WITNESS: Okay.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. Green.
A. Good morning.
Q. How are you employed?
A. I'm the president of Affordable Telephone Systems in Ventura, California. 4433

Q. And what is Affordable Telephone Systems?
A. We're an AT&T equipment dealer.
Q. And what do you do for Affordable Telephone Systems as the president?
A. Run the operation.
Q. All right. Do you actually go out to sites and perform services in relation to telephones themselves?
A. I do. Uh-huh.
Q. And how long have you been doing this?
A. 20 years.
Q. Do you have a background in -- do you have any training in the area of telephone systems?
A. I do.
Q. Could you describe that for me, please?
A. I was trained by AT&T Corporation.
Q. All right. How long ago?
A. In 1984 to 1990.
Q. What kind of training did you receive?
A. Technical training on their systems from their corporate trainers.
Q. And how long did this training take place, over what period of time?
A. Over the course of ten years.
Q. All right. And I take it you've had some hands-on experience with this subject matter?
A. Correct.
Q. Over the 20 years you have performed 4434

services for telephone systems?
A. Yes, I have.
Q. On -- you know, could you even estimate how many times?
A. Oh, geez, thousands.
Q. Okay. On December 3rd, 2004, did you visit Neverland Ranch in Los Olivos, California?
A. I did.
Q. And did you have an assignment when you went out to the ranch that day?
A. I did.
Q. What was your assignment?
A. To inspect the telephone system at the ranch. And to give information on how the phone system was configured, programmed and would operate.
Q. Were you accompanied by law enforcement officers on that date?
A. I was.
Q. And did you perform that task?
A. I did.
Q. First of all, tell me, what type of system does Neverland Ranch have, what type of telephone system?
A. It's manufactured by AT&T. It's called a Merlin II system is the model. It's a -- we call it a key system, a hybrid key system.
Q. Okay. Are you familiar with the Merlin II system from AT&T? 4435

A. I am.
Q. Have you serviced that system before?
A. I have.
Q. So tell me what you did. How did you go about inspecting the system?
A. We -- we inspected and looked at how many telephone lines that were -- from the telephone company on the property, were installed in the system. We logged and inventoried all of the telephones at each location on the system on the property, and looked at how the system was programmed in terms of how you could make a call out, how you could receive a call. You know, the typical aspects of how the system would work.
Q. And how many lines did you find that system included, how many different telephone lines?
A. On the property, there's a total of 24 telephone lines or numbers, telephone numbers that come onto the property. Of those 24 lines, there are eight lines that's connected to the Merlin II system.
Q. Okay. And the remaining 24 -- I guess we have 16 lines remaining.
A. Correct.
Q. Tell me about those.
A. There's one -- there was one line that was not -- that was not on the system of the eight. There were 15 lines that were connected to modems or 4436

computers or, you know, other things.
Q. Okay. Were all of those 15 lines being
used?
A. They had dial tone. I don't know if they
were being used. There was dial tone at what we
call the demarc. Some of them might have been used;
some of them might not have been used.
Q. What did you say, the demarc, or the --
A. The demarcation point from Verizon.
Q. I see. And where is that located?
A. That's located in the garage, where the
telephone equipment was at.
Q. Did you have access to the entire property?
A. Yes.
Q. Did you visit the various outbuildings as
well as the main residence?
A. Yes.
Q. Did you inspect the phones at each of
those --
A. Yes.
Q. -- locations?
A. Uh-huh.
Q. And did you inspect a phone that was located
in what's known as Mr. Jackson's personal bedroom?
A. Yes, sir.
MR. AUCHINCLOSS: May I approach, Your
Honor?
THE COURT: Yes. 4437

Q. BY MR. AUCHINCLOSS: Mr. Green, I show you -- go ahead and help yourself to some water.
A. Yeah, I appreciate that.
Q. I show you People's Exhibit No. 165. Can you identify that for me, please?
A. That is a Merlin 34 button telephone.
Q. Is that the phone that you saw that day?
A. Yes.
MR. AUCHINCLOSS: Okay. May I have the Elmo, Your Honor?
Do you have that laser pointer?
MR. SNEDDON: Yeah.
MR. AUCHINCLOSS: I believe this exhibit's already in evidence, Your Honor. Am I correct in that?
THE COURT: What number is it?
MR. AUCHINCLOSS: 165.
THE COURT: Yes.
MR. AUCHINCLOSS: All right. Thank you.
Q. All right. Mr. Green, can you just briefly describe for the jury how this telephone works?
A. Sure. This telephone -- okay. All right. You have -- if you lift the handset and you want to make a call out, this system is programmed, what we call in the phone industry, pooled. What I mean by that is all eight lines on the phone system, on all the other phones on the property, they -- they are a ten-button phone, except this phone. On 4438

this phone, you have your telephone lines that are on each button here. Each of the eight lines. So, if I -- from this telephone, I can manually push this black button right here, or any of these black buttons, and I can manually select any one of the eight lines that I want to make a call out on.

On the -- I don't know if I'm jumping ahead, but on the other telephone sets, they don't have the lines that appear individually on a button. You just -- you just press a pooled button, and the telephone system selects at random a line that you're going to call out on. And you enter an account code and then you get a dial tone and you make that outside call, and you can -- from the ranch.

Q. All right. So the other phones on the ranch -- well, let me start with, was there another phone that had similar capabilities on the ranch?

A. Yes. There were two phones -- yes, there are two phones on the ranch that you could select a line to call out on, or -- or listen in to a telephone conversation on. That other telephone set was in the -- I would call it the administrative office on the ranch. It's a larger console, larger than this.

Q. Okay. And was that in a separate building from the main house? 4439

A. Yes. Yes, it was.
Q. Can you tell me -- approximate its location in relation to the main house?
A. Yeah. It was in what I call the big administrative office. It wasn't a security office. It was up the hill. It was the -- it was the administrative office, the best I know it.
Q. All right. Now, if I understand correctly, the other phones on the property, you could not select which line you were going to use?
A. Correct. The other phones on the property looked just like this phone, except this row and this row of buttons were not there. It's a ten-button phone. So it looked exactly like this, minus -- if I could just draw down here, exit that off.
Q. You're indicating the right-hand portion of the phone, those buttons were gone?
A. Correct.
Q. Now, but you still could not -- you have these eight buttons, or it looks like --
A. The line buttons.
Q. Yeah, two lines of buttons on the left. They had those buttons?
A. Yes.
Q. Would that allow that person on a -- let's say in the guest room, would that allow that person to select a particular line? 4440

A. No. No, all you could do is lift the handset, press the pooled button, and the phone system would select a line.
Q. Okay.
A. The phone cabinet, I'll call it a CPU.
Q. You also mentioned that in order to get an outside line you needed to enter a code. What did you mean by that?
A. An account code.
Q. All right.
A. The phone system was restricted to where you couldn't just pick it up, have dial tone and place a call. You had to enter an account code.
Q. So if an individual did not have the account code, then it would be impossible for them to talk to an outside party off the ranch?
A. That's -- yes, to my knowledge. Uh-huh.
Q. All right. Now, can you tell me what the term "barging" means?
A. Yes, we referred to it in telephone -- it's our term that I want to -- I want to join a conversation that's in place or I want to listen to a conversation in place.
Or in business, since this is a business phone system, it was transferred for office business use, if I was on line 1, and I wanted you to join me in that conversation, you could press the line 1 button, and you could join the conversation. 4441

Q. Okay. So in a business setting, that would let a secretary barge in a conversation; would that be a reasonable use --
A. Yes, or --
Q. -- in business?
A. Sure. Or join the conversation.
Q. All right. Did this phone have barging capabilities?
A. Yes.
Q. Could you listen to this phone surreptitiously, and I mean secretly without letting the parties know that you were a third party listening in on that conversation?
A. Yes.
Q. And how would you do that?
A. Well, from this telephone, if I saw that somebody -- if a telephone (sic) on the property was on the phone, I would see -- on one of these line buttons, I would see it lit. There would be a red light lit. And so if I wanted to listen in on that conversation, all I'd have to do is press this black button, lift the handset, press this black button, and I could listen to the conversation, because I've got what we call line access. I can select the line I want to listen in on on this. Or I could press the speakerphone button, and mute it, mute the microphone, and press the line I wanted to listen in on. 4442

Q. All right. And if you -- well, let me strike that. Does that phone have instructions on how to do that?
A. This phone right here?
Q. Yeah.
A. No. Not on the telephone it doesn't.
Q. All right. So if you didn't know how to do that, you wouldn't be able to barge in without the other people's knowledge, is that fair to say, if you didn't have some kind of idea about how this phone worked?
A. True.
MR. SANGER: I'm going to object. That calls for speculation.
THE COURT: Overruled. The answer was, "True." Next question.
Q. BY MR. AUCHINCLOSS: And would it be any difficulty -- would there be any difficulty in connecting a recording device to this phone?
MR. SANGER: Objection; that calls for speculation.
MR. AUCHINCLOSS: I think he's an expert in this area.
MR. SANGER: Then it's vague as phrased.
THE COURT: Overruled.
You may answer.
THE WITNESS: You could do that, yes.
Q. BY MR. AUCHINCLOSS: And I believe you said 4443

one of the ways you could listen in was on the speakerphone?
A. Yes. If you didn't want to hold the handset, all you had to do is just press the speakerphone, and then press the "line" button, and you could sit there and listen to the conversation without -- hands-free without lifting the handset.
Q. Would you also want to hit the "mute" button?
A. You could also hit the "mute" button so that it mutes the microphone on this telephone, so the caller that you are listening in on wouldn't hear any background noise.
Q. So they couldn't hear you breathing, or talking, or anything like that?
A. Correct. Correct.
Q. All right. Mr. Green, did you bring -- did you make a report in this case?
A. Yes. Yes, sir.
Q. Did you bring that with you today?
A. Yes, sir.
MR. AUCHINCLOSS: If I could just have a moment with counsel.
(Off-the-record discussion held at counsel table.)
Q. BY MR. AUCHINCLOSS: Mr. Green, I show you People's Exhibit 298.
A. Uh-huh. 4444

Q. Is this a refined version of your report that you prepared in this case?
MR. SANGER: Well, I'm going to object to that question.
MR. AUCHINCLOSS: All right.
Q. Can you identify this exhibit, then?
A. Yes. Those are the telephone numbers that I found on the property.
Q. All right. And there are two groupings of them.
And I'll put this on the Elmo.
A. May I refer to my report?
Q. Yes, you may. Why don't you check and make sure that these are correct, the correct numbers.
A. Uh-huh. They're right here.
Q. There is one additional number on there?
A. Yes.
Q. Was that the private number that you mentioned?
A. Correct.
(Off-the-record discussion held at counsel table.)
Q. BY MR. AUCHINCLOSS: All right. Mr. Green, I'm going to ask you to write that private number on this exhibit at the bottom portion of it.
All right. So does this list contain a complete listing of all the telephone numbers that you found in the various systems at Neverland Ranch? 4445

A. That's correct.
MR. AUCHINCLOSS: Ask to admit People's Exhibit 298 at this time, Your Honor.
MR. SANGER: Your Honor, I'm going to object and I'd like to approach on a very specific issue, please.
THE COURT: All right. I'll sustain the objection at this point.
MR. AUCHINCLOSS: Okay.
Q. Mr. Green, may I have the copy of the report that you brought with you?
A. Yes.
MR. AUCHINCLOSS: All right. I'm going to ask to have this marked as an exhibit as well.
Q. Mr. Green, I show you Exhibit No. 299.
A. Okay.
Q. Would you identify that for me, please?
THE COURT: Is that the new number?
MR. AUCHINCLOSS: That's the new exhibit number, yes.
THE WITNESS: This is the report that I made on December 3rd from Neverland Ranch and my inspection on the phone system.
Q. BY MR. AUCHINCLOSS: Is that a complete copy of your report?
A. Yes, sir.
Q. There appears to be some handwritten items on that particular report. Did you make those 4446

notations?
A. Yes, sir, I did.
MR. SANGER: I'm going to object on the grounds of relevancy and it's hearsay.
MR. AUCHINCLOSS: Well, I'm laying --
THE COURT: Just a minute.
Overruled. The answer was, "Yes, I did."
Next question.
Q. BY MR. AUCHINCLOSS: And did you prepare this report pursuant to your duties as the president of Affordable Telephone Systems Incorporated?
A. Yes, I did.
Q. And have you prepared similar reports concerning telephone systems as part of your duties at Affordable Telephone Systems?
A. Yes.
MR. SANGER: I'm going to object; relevancy.
MR. AUCHINCLOSS: I can make an offer of proof, if you like.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: And so was this prepared during the course of your business activities at Affordable Telephone Systems?
A. Yes, it was.
Q. Was this report prepared at or near the time of the event that you described in analyzing this system and visiting Neverland Ranch?
A. Yes. I prepared -- you know, I prepared 4447

this information at the ranch as I was -- as I was taking my notes.
Q. And then did you reduce it to a writing when you got back to your office?
A. Yes.
Q. As far as the handwritten notes on here, what do those designate?
MR. SANGER: Objection; calls for hearsay.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you write those handwritten notes on there pursuant to the information that you were preparing for this particular report?
A. Yes.
Q. Is it just some additional handwritten information pertaining to this particular report?
A. Yes.
MR. SANGER: Objection. Asked and answered; leading.
MR. AUCHINCLOSS: This is foundational.
THE COURT: The objection is overruled.
Q. BY MR. AUCHINCLOSS: Was it done pursuant to your preparation of this report as a business record?
A. Yes.
Q. And was it also done at or near the time of the events that are on this -- reported on this particular report? 4448

A. Yes.
Q. Is this report trustworthy?
A. Yes.
MR. SANGER: Objection.
Q. BY MR. AUCHINCLOSS: Why do you say that?
THE COURT: Sustained.
MR. SANGER: Move to strike.
THE COURT: Stricken.
Q. BY MR. AUCHINCLOSS: Do you have a duty when you prepare these reports to accurately depict the information that you've observed when you go out to the actual location?
A. Yes.
MR. SANGER: Objection. Lack of foundation; and leading.
THE COURT: Sustained.
MR. AUCHINCLOSS: On which grounds?
THE COURT: Leading.
MR. AUCHINCLOSS: It's for foundation, Your Honor.
THE COURT: Well, your -- the objection was sustained. Ask your next question.
MR. AUCHINCLOSS: All right. Ask to admit No. 299 as a business record, Your Honor.
MR. SANGER: Objection. Hearsay; no foundation.
THE COURT: I'm just trying to look at some of your earlier testimony. 4449

When did you go out and make that report?
THE WITNESS: On December 3rd, 2004.
THE COURT: And who requested that you go out to make that report?
THE WITNESS: The Santa Barbara Sheriff's Department.
THE COURT: All right. It's not a business record. It was done in preparation of litigation and it's not admissible under the business records.
MR. AUCHINCLOSS: All right.
Q. We'll do this -- this will take a little bit of time.
A. Okay.
Q. But I do need to get the information.
MR. SANGER: Excuse me, move to strike counsel's remarks.
MR. AUCHINCLOSS: That's fine. I'll go to the next question.
THE COURT: Wait a minute. Just a moment. I'll strike the remarks.
Q. BY MR. AUCHINCLOSS: Tell me --
THE COURT: You know, I don't like to have conferences, but I need -- I don't know what the problem with this record is that's causing all this difficulty. So would you come up here and tell me?
MR. AUCHINCLOSS: Yes.
(Discussion held off the record at sidebar.)
THE COURT: It's amazing what a little 4450

conference will do occasionally here. The problem, which I didn't get, maybe you got, was that those are all Mr. Jackson's private phone numbers, and he doesn't want to receive all of those telephone calls. So that was the only problem. And so we're going to work with this as best we can, as long as we can, without revealing his personal phone numbers. And I don't know if we'll succeed in doing that, but that's what we're going to try to do here.

MR. AUCHINCLOSS: And that's fine, Your Honor.

The People would seek -- ask to admit at this time Exhibit No. 298.

MR. SANGER: And I don't have an objection to the foundation being laid for 298, but I'd ask the Court just procedurally to delay receiving it until we work this out.

THE COURT: They're having trouble in the back hearing you.

MR. SANGER: I'm sorry, the thing's turned off.

Yes, Your Honor, I was just saying I don't have any objection to the foundation for 298 based on this witness's testimony at this point. I'd just ask the Court to delay receiving it in evidence until we work out the details.

THE COURT: Okay.

MR. AUCHINCLOSS: And that's fine. 4451

THE COURT: I'll make that ruling; that the parties agree that the foundation is laid, and we'll not admit it at this point until we can do something with the phone numbers.
MR. AUCHINCLOSS: That's fine. Thank you, Your Honor. No further questions.
MR. SANGER: May I proceed, Your Honor?
THE COURT: Yes.
MR. SANGER: Okay.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Mr. Green, how are you?
A. Good. Pretty good.
Q. All right. Let's just clear up a couple things right off the bat here. First of all, this phone system, this Merlin phone system that you saw at Neverland Ranch, is a fairly standard business kind of phone system, correct?
A. That's correct.
Q. And the Merlin phone system that you saw, that particular configuration, was really one that was developed and used primarily in the 1980s; is that correct?
A. That's correct.
Q. Phone systems have actually progressed quite a bit farther than what you see there, right?
A. That's correct. 4452

Q. And that's the kind of phone system that in the late '80s you might have found in executive offices, insurance companies, lawyers, and so on; is that correct?
A. That's correct.
Q. All right.
A. It was designed for business use.
Q. And in your experience with Affordable Telephone Systems in Ventura, have you had occasion over the last 20 years to install phone systems on large estates?
A. Yes. Yes, I have.
Q. Have you ever installed a phone system on an estate as large as Mr. Jackson's?
A. No.
Q. Okay. Have you installed a phone system on an estate that involved a working ranch?
A. I probably have. I don't recall at this point.
Q. Okay. What I'm getting at is, where you have a number of operations going on besides a residence, is there anything unusual about seeing a business kind of telephone system on a working ranch?
A. Oh, no. Not at all. It's -- no.
Q. Okay. And what you might do, I think you're doing okay, but try to talk real close to the microphone there. 4453

A. Okay.
Q. Because it is hard for everybody to hear.
All right. And particularly with regard to the Merlin system, it would not be unusual to see a Merlin system like that installed in a working ranch somewhere in the 1980s, correct?
A. No, not at all.
Q. And the fact that this phone system has not been switched out for a brand-new system is also not unusual; is that correct?
A. Not at all.
Q. All right. So you would expect at working ranches and other business locations that there are probably some Merlin systems still around; is that correct?
A. Oh, sure. Hundreds, thousands.
Q. All right. Now, you mentioned that -- you were asked, is it possible to attach a recording device to this telephone system, correct?
A. Yes.
Q. Did you see a recording device attached to this telephone system?
A. No.
Q. All right. And in fact, it's possible to attach a recording device to just about any telephone system, correct?
A. That's correct.
Q. All right. So there's nothing in particular 4454

that makes this phone system any more susceptible to being attached to a recording device than any other, correct?
A. No.
Q. Now, another thing we talked about here was being able to pick up a line that's either in use or not in use on this particular phone, correct?
A. Correct.
Q. In a typical telephone installation in a home, where you have more than one extension, is it usually possible to pick up a line that's in use in the system?
A. Yes.
Q. So people who have two or three extension phones in their home generally have just exactly that system. You pick it up -- if it's in use in the kitchen and you pick it up in the bedroom, you can listen in, right?
A. Yes.
Q. Home systems that have more than one line often have that same capability. You can pick up line 1 -- let's say you have two lines. You can pick up line 1 or line 2 if it's in use, correct?
A. Correct.
Q. All right. Now, the history of business phones, without going into unnecessary detail, before Merlin involved a couple of different kinds of technology I want to go over with you, okay? The 4455

first one is, for those of us old enough to remember
all this, it involved the business phones that had
the four, five lines with the buttons at the bottom
and a “hold” button at the end, correct?
A. Correct.
Q. And there might be actually an intercom
button on one end, and the “hold” button on the end,
correct?
A. Correct.
Q. And under those old systems, if anybody in
the property that was governed by this phone system,
whether it be a residence, a ranch or a business, if
anybody was on line 1, everybody else on the phone
system could see that from their phone, correct?
A. That is correct.
Q. And they could just push the button and pick
it up, and they’d be on line 1, and they could
listen in, correct?
A. That’s correct.
Q. Okay. Now, in those days, there were
speakerphones, somewhat primitive, as I recall. But
it would also be possible to put a call on a
speakerphone that same way and listen, correct?
A. Correct.
MR. AUCHINCLOSS: I’m going to object. It’s
irrelevant to phone systems that existed before this
phone line.
THE COURT: Overruled. 4456

MR. SANGER: Thank you.
Q. After that -- let me withdraw that.
At the same time as that more rudimentary system existed there was the PBX system; is that correct?
A. Right, there were two types. After that, the equipment that you're describing was called 1A key. And then they developed a key system and a PBX system at the same time. The PBX was simply a larger model of a key system.
Q. Okay. And the PBX system continued into existence into the 1980s, correct?
A. Yes, and it's still today. Uh-huh.
Q. PBX system would allow an operator to answer the phone, and then switch the calls from one place to another throughout the system, correct?
A. Correct. Or an individual could do it.
Q. All right. When the hybrid key system came along, which is the Merlin system, correct?
A. Correct.
Q. It was a system that allowed more flexibility than the PBX system, correct?
A. Yes.
Q. So it would allow a -- it would allow you to have a master console -- or in this case you have a master console and you have sort of a junior master console, right?
A. That's correct. 4457

Q. And the junior master console was the one that was found in Mr. Jackson's living room area of the first floor of his bedroom suite, correct?
A. That's correct.
Q. And that allowed people to answer the phone at different locations; is that correct?
A. Back up there. You lost me.
Q. You could answer the phone in the administration building with the big console, right?
A. That is correct.
Q. And you could join phone calls from one point to another?
A. That is correct.
Q. And to the extent that you have the eight lines here, you could do the same with this phone, is that right?
A. That is correct.
Q. Now, since that time, technology has continued to march on, since the '80s, I take it, correct?
A. That is correct.
Q. And I don't want to go into all the details, but there are more sophisticated telephone systems that are much simpler than this, so you don't have to have all these buttons in order to make them work, right?
A. That's correct.
Q. Now, you mentioned that there were eight 4458

lines that were on the direct system -- well, let me withdraw that. There were eight lines that were on this system that could be used by people in Mr. Jackson's house; is that correct?
A. That's correct.
Q. You examined the phone equipment throughout his house; is that right?
A. Yes, I did.
Q. And you noticed that were extension phones?
A. Yes.
Q. Okay. And by the "extension phone," we're talking about the phones that simply had buttons that allowed you to pick up and get an available line?
A. That's correct. Ten -- the other phones were ten-button phones.
Q. All right. And those phones could also receive a call if somebody were to direct it to that particular extension; is that right?
A. That is correct.
Q. So if somebody answered the phone, they could say, "I want to put this call through to the library, because I believe Mr. Jackson's in his library and it's for him, so I'll connect it to the library," right?
A. Right, they could -- yes, they could transfer the call to the library, yes.
Q. All right. And the phones that were at the 4459

ranch were at various locations throughout the house --
A. Yes.
Q. -- correct?
In the children's living area; is that right?
A. Yes.
Q. The library?
A. Yes.
Q. The kitchen?
A. Yes.
Q. The maids' room?
A. Yes.
Q. The maids' break room.
And then on into Mr. Jackson's personal office in the adjoining building?
A. Yes.
Q. The security office at the end of that building; is that correct?
A. Yes, sir.
Q. Upstairs in the video library?
A. Yes, sir.
Q. All right. And you could also get the -- or the phone system also included the front gate, the little guard house at the front gate; is that correct?
A. I didn't examine that. I'm sure it did. I'm sure there was a phone out there, but I 4460

didn't --
Q. You mentioned an administration building, which was up on the top of the hill, correct?
A. Yes.
Q. So it was outside the manicured lawn area that surrounded Mr. Jackson's private residence; is that correct?
A. That's correct.
Q. And the administration building also is the fire department, they have a fire truck up there?
A. I believe so. I believe so.
Q. So you had phone capability in the administration building for the various administrators, the fire department, and so on, is that correct?
A. Yes.
Q. The administration building, there's an executive assistant or staff person up there who had a desk in the main administration building, correct?
A. Yes.
Q. And that desk is where the main console existed for this phone system; is that right?
A. Yes.
Q. All right. Now, in the -- you mentioned that you needed to have some kind of code to call out; is that correct?
A. Yes.
Q. Is that unusual for a Merlin system? 4461

A. No. It's quite common.
Q. All right. So many systems you have to push "9" to call out?
A. Some you have to press "9." And an account code is -- is able to be programmed in so that you can eliminate phone abuse. People -- unauthorized people making calls you don't want to make calls on your phone system.
Q. Now, you were out there with sheriffs who had a search warrant, correct?
A. Yes, that's correct.
Q. So you were not chatting with the -- with Mr. Jackson, I imagine?
A. That is correct.
Q. Okay. And you weren't chatting with his staff about how they set the phone system up or how it was set up when they --
A. That's correct.
Q. -- first came to work at the ranch?
A. That's correct.
Q. So you weren't able to determine whether or not there were separate account numbers or there was just one number that everybody was given to get an outside line?
A. That's correct.
Q. All right.
MR. AUCHINCLOSS: Objection; assumes everyone was given a number. 4462

THE COURT: Overruled.
MR. SANGER: Did the answer -- I think the answer came in.
THE COURT: It did. He said, “That’s correct.”
Q. BY MR. SANGER: So based on your analysis of this system, there could have been one number that would allow anybody on this Merlin phone system, wherever the extensions were throughout the ranch, it would allow somebody to hit the number, and get an outside line, correct?
A. That’s correct.
Q. All right. Did you determine -- let me withdraw that. So if somebody were able to make a phone call to an outside number, for instance, somebody were able to call their, let’s say, boyfriend in Los Angeles from this phone, if they did it unassisted, they would have to have the code, whatever it was, to get that outside line, correct?
A. Not from this phone. But from all the other phones, yes.
Q. Okay. Okay. Good point. Thank you. I’m talking about the extension phones, and I guess I’m pointing to that one.
A. Yes.
Q. But this phone, you can just pick up an outside line, correct?
A. Uh-huh. 4463

Q. And we'll come back to that. But as far as the extension phones are concerned, the ones that -- other than the administration building and this phone, if you want to get an outside line, you put in whatever the code is --
A. Correct.
Q. -- one number, or two numbers, or whatever it is?
A. Correct.
Q. You get the outside line and then you can call wherever you want, right?
A. That's correct.
Q. All right. So if somebody were, say, on an extension phone at someplace on the ranch and they were able to call, as I say, for instance, their boyfriend in Los Angeles, you would expect that they would know how to enter that code to get the outside line, correct?
A. Yes.
Q. And if somebody could enter that code and get an outside line to call their boyfriend in Los Angeles, they could enter that code, get an outside line, and call 9-1-1, correct?
A. Yes.
Q. There's no restriction on calling 9-1-1 from any phone in this phone system other than simply knowing the code to call out, correct?
A. Yes. 4464

MR. SANGER: If I could have just one moment, Your Honor.
Q. By the way, you mentioned the eight numbers, and then you said there were 16 other numbers, one of which was a direct line to Mr. Jackson's area in what's called the bathroom, but there's a sitting area and all that off the main floor --
A. Uh-huh.
Q. -- of the bedroom, correct?
A. Uh-huh.
Q. Other than that direct number, did you ever figure out where on the ranch those other numbers, the other 15 numbers went?
A. No.
Q. So when you say they came into the main -- you didn't say "switch box," and I'm going to say that and I'm sure it's wrong, but the main -- what did you call the telephone closet?
A. Demarc. Verizon's telephone demarc.
Q. Okay. So the lines come in from off the property, from the telephone lines off the property that service the rest of the world, and they come in to the property, anybody's property, they come in to a telephone box or telephone closet, correct?
A. Uh-huh.
Q. And that's what you're calling the demarc?
A. Correct.
Q. And you know that these other 15 lines came 4465

1 in there, you just never traced them out to see
2 exactly where they went, correct?
3 A. Correct. We put -- I made sure that they
4 had actual dial tone and -- on the block. And from
5 my test set, you know, I have a code that I can dial
6 and -- when I hear dial tone, and I can get a
7 recording from the phone company that tells me what
8 that telephone number is.
9 So I verified that those -- that those
10 telephone numbers Mr. Jackson was being billed for
11 those telephone numbers, he had live dial tone.
12 Now, where it went, I don't know.
13 Q. In other words, you take your phone -- you
14 have a headset that has clips on it?
15 A. Called a butt set.
16 Q. All right.
17 A. It's a lineman -- a lineman's test set.
18 Q. A lineman's test set, okay. And you simply
19 clip that onto a line, correct, and then you dial a
20 number, which we won't say, because everybody will
21 go home and do it?
22 A. Right.
23 Q. And it will automatically - it's kind of
24 cool - automatically tell you what phone number that
25 is, right?
26 A. Exactly.
27 Q. And you verified that these are, in fact,
28 phone numbers coming into the property, you just 4466

never traced them to see exactly whatever phones there were, if any, that were hooked up to them?
A. Right, they weren't in the phone system.
Q. They were not in the Merlin phone system?
A. Correct.
Q. But you don't know if there was another phone someplace, at the zoo, or someplace else that --
A. That's correct.
Q. -- that might have had that number. All right. Okay. I have no further questions. Thank you.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Mr. Green, did you go to the various outbuildings and check all the phones?
A. Yes. We checked the -- we looked for phones in the -- in all of the buildings. And the only phones that we saw were the Merlin ten-button phones.
Q. Okay.
A. We didn't see any other phones that weren't of the Merlin phone system.
Q. All right. So based on your inspection of the property, all the phones were hooked into the Merlin system, with the exception of the 15 which you couldn't find a location for? 4467

A. Those 15 lines. They could have been connected.
Q. And you had one private line?
A. That's correct. They could have been connected to computers, other types of devices. Security. I'm sure some of those lines were security lines connected to the security companies, et cetera, et cetera. But we were not able to gain any information as to what they were connected to.
Q. Okay. And when you say "security," do you mean telephone lines as security or some kind of computer or alarm line?
A. Alarm line. Computer. You know, for dialing out on the Internet. You know, anything that took a telephone line.
Q. But not something you communicate on in the normal telephone fashion, talk to somebody on?
A. Well, they could have been used for that. They could have been. They could have been used for a computer to dial out to the Internet. They could have been used for the alarm lines for the security system that Mr. Jackson had on the ranch.
Q. Okay. But you didn't find a source for that?
A. No. And they might not have been connected to anything.
Q. All right. Now, just as far as the exhibit that we've admitted here, there appears to be eight 4468

numbers at the top of this exhibit.
A. Yes.
Q. Which are those numbers for?
A. Those are the telephone lines connected to the Merlin system at Neverland Ranch.
Q. And then there's -- below that there appear to be 15 lines. Those are the ones that you just talked about --
A. Right.
Q. -- that don't hook into the Merlin system?
A. Right, those are the wild lines.
Q. And the handwritten one on the bottom is the private line?
A. Right. That's Mr. Jackson's private phone.
Q. And where did you find that phone that was hooked into a private line?
A. That phone was in his rooming quarters downstairs in the bathroom to the left where the closet was.
Q. Okay. And this phone was also in the downstairs area?
A. Yes. In the same -- in the same place.
Q. Same general vicinity?
A. Correct.
Q. Was this in the bathroom? If you recall.
A. No, I think it was just outside the bathroom door.
Q. All right. 4469

A. Just right outside the bathroom door.
Q. All right. Now --
THE COURT: Counsel, take our break.
MR. AUCHINCLOSS: Very good.
(Recess taken.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4415 through 4470 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 1, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 1, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, APRIL 1, 2005

8:30 A.M.

(PAGES 4472 THROUGH 4644)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 4472

APPEARANCES OF COUNSEL:

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-and-
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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Nicola is listed as “N” on index. Mr. Mesereau is listed as “M” on index.
Ms. Yu is listed as “Y” on index. Mr. Sanger is listed as “SA” on index.
Mr. Oxman is listed as “O” on index.

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
GREEN, Jack 4479-SA
4485-A 4486-SA
(Further) (Further)
FELDMAN, Larry 4487-SN 4527-M 4596-SN 4608-M
4609-SN 4611-M
(Further) (Further)
SALAS, Jesus 4612-A

1 E X H I B I T S
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3 FOR IN PLAINTIFF’S NO. DESCRIPTION I.D. EVID.
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8 776 Photo of Jordie Chandler 4503 4504
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THE COURT: Go ahead.
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. Mr. Green, when was the last year that the Merlin II system was made, if you know?
A. I can speculate. I don't know the exact date.
Q. Can you approximate?
A. Yes. It was taken out of production in probably the early '90s. '92, '93, maybe '94.
Q. And as far as the lines that we've talked about, those eight lines, if an individual called from outside Neverland, called one of those eight numbers, where would that phone ring, or where could it ring, maybe to begin with that question?
A. Okay. It could ring at the 34-button in Mr. Jackson's living quarters --
Q. Okay.
A. -- at the console.
Q. All right.
A. And it could be programmed also to ring at any of the other telephones, if it was programmed to ring there. So it could ring at every single telephone, or only at one or two. Typically, it rings at the console, or the -- or the 34-button phone. But it could ring -- and you could do that on a line-by-line basis.
Q. Okay. And do you know how this particular phone system was set up in terms of incoming calls? 4476

A. No, because we weren't allowed to have any incoming calls ring in so we could test that.
Q. And -- but typically it would be either the console or the 34-button phone?
A. Yes. On a -- on an estate situation, you know, usually the calls are screened. They come into the console and are screened and then transferred to wherever they want to go.
Q. Mr. Sanger used the example of a home phone system as far as similarity regarding listening in to a phone conversation.
A. Yes.
Q. Is this phone system really similar in terms of its barging capabilities?
MR. SANGER: Objection, leading, Your Honor; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: It's different in that on the Merlin system, if you were barging in on -- if you're barging in on a call, the caller on the -- the person on the other phone would not know that you were -- there would be no audio knowledge that they were being listened to.
Q. BY MR. AUCHINCLOSS: So you could listen secretly without any input, audio input, on the phone line?
A. Correct. 4477

Q. And at a home system, when someone picks up the phone and is listening in, is there typically some audio input that is noticeable to the other two parties that are conversing?
A. More so, uh-huh.
Q. And would the “mute” button also contribute to the secrecy of listening to those calls?
A. If you were using the speakerphone, yes.
Q. Does the “mute” button also work on the handset microphone?
A. No.
Q. Okay. So just on the speakerphone.
A. Yes.
Q. As far as other people’s ability to listen in on your conversations, does this system -- is this system set up where any of the outside lines at Neverland, and I mean just the lines that don’t involve either the 34-button phone or the phone at the office, could any of those lines listen in?
A. No.
Q. So would that be another dissimilarity between home systems and this system?
MR. SANGER: Objection. Leading, Your Honor.
THE COURT: It’s overruled.
You may answer.
THE WITNESS: No, because you would have no way on the other phones of selecting the line, no. 4478

It has privacy. You couldn't -- from any of those other phones, you couldn't listen in on another conversation.

MR. AUCHINCLOSS: All right. Thank you. I have no further questions.

RECROSS-EXAMINATION

BY MR. SANGER:

Q. Okay. Just a few.

First of all, you could listen in on other lines on the phone system from the console in the administration building, correct?

A. That's correct.

Q. And that console is pretty much out in the open, there, in the staff area of the administration office, correct?

MR. AUCHINCLOSS: Objection. Assumes facts; and no foundation.

THE COURT: Overruled.

You may answer.

THE WITNESS: Well, it was -- when I inspected it, it was in a locked office.

Q. BY MR. SANGER: When you say "a locked office," though, the administration building, the lock was on the front door of the administration building, correct?

A. No, there's an office inside the administration building, as I call it. I don't know 4479

if I'm, you know, using the right terminology, but there was an office inside there that was locked.
Q. That's your recollection?
A. Yes.
Q. Did you take a picture of this?
A. The detective had to have the ranch manager unlock the door for us to go in.
Q. All right. And it was -- there was a desk, somebody working at this area, correct?
A. There was no one in there.
Q. I'm sorry?
A. There could have been. There was no one in there at that time.
Q. Let me ask the question again, just so we're clear. It appeared to be a working area where somebody had a desk, correct?
A. That's correct, yes.
Q. And the point is, whoever had access to that phone would be able to listen in on phone calls as well; is that correct?
A. Yes, that's correct.
Q. And you would expect -- from your testimony, you would expect that that's one of the places that the phone would ring so that phone calls could be directed throughout the ranch, correct?
A. Yes. The lines all had to ring at the console. That was a must.
Q. All right. So not only could ring there, 4480

but you believe it did ring there at that console in the administration building, correct?
A. Yes.
Q. The phone in Mr. Jackson's -- what we call -- it's a blank screen, I'm kind of pointing randomly here.
The phone that was up on the board, what we call a junior console in Mr. Jackson's living area, the phone did not ring there; is that correct, sir?
A. I don't know, because we didn't test any incoming calls.
Q. All right. And you can -- as you said, you can program any of the other phones to -- to be able to answer the phone from that location; is that correct?
A. That is correct.
Q. So if there was a phone, for instance, in that guard shack -- you said you didn't go down and look, but assume there was a phone there that appeared to be one of the extension phones, you could program that phone to ring so that the person at the guard shack could answer the phone there, correct?
A. That is correct, yes, sir.
Q. All right. You indicated these phones were last made in the early '90s, correct?
A. Yes.
Q. But there are replacement parts and 4481

replacement phones that can be obtained if your equipment breaks down?
A. Yes, there's still refurbished equipment out there. You know, it -- there's millions of Merlin systems out there that was produced. It was the most widely sold telephone system in the world, and there's readily available parts.
Q. Okay. And the most widely phone system -- sold system in the world, this Merlin system, had that "mute" capability on all of the phones that were sold throughout the world, correct, if they were --
A. Yes.
Q. -- if they were this kind?
A. If you were on the speakerphone.
Q. Yeah, the speakerphone had a "mute."
A. That is correct.
Q. Now, almost all office or commercial kinds of telephone systems today, in fact, have that "mute" button; is that right?
A. Yes. Oh, yes.
Q. So there's nothing nefarious about the "mute" button, is there?
A. No, no, it's standard.
Q. All right. Thank you. You did mention one other thing. You said something about an alarm system. Did you determine whether or not there was an alarm system in place at Neverland? 4482

A. There was an alarm panel in the garage.
And, you know, I did not go in to the alarm system
to see what lines were attached to it, no.
Q. All right.
A. That wasn't my area of responsibility.
Q. I understand. In your work in the telephone
industry and as a -- the president of a telephone
company in Ventura, do you have occasion to work
with alarm companies when they install --
A. Yes.
Q. -- alarm systems?
And I think what we need to do, I've got to
avoid talking over you. And if you could wait just
an extra beat before you answer, otherwise the court
reporter gets her fingers caught in the keys there.
A. Okay.
Q. When you work with an alarm system -- let me
back up.
When you go out to install a phone system at
the same time that an alarm system is being put in
place, do you work with the alarm company?
A. We do.
Q. All right. And one of the things that you
often do is make sure that they have a telephone
line, a secure telephone line, so that the alarm
system can automatically call out to the alarm
company or to a law enforcement agency; is that
correct? 4483

A. That's correct.
Q. All right. And so you saw some phone lines that you thought the phone lines might -- in fact, one or more of them might be associated with the alarm function at the ranch; is that correct?
A. That's correct.
Q. And based on your experience in installing telephone systems, is there anything unusual, in a large ranch property, for the owner of the property to have an alarm system hooked up to the telephone system?
A. No, you wouldn't have it hooked up to the telephone system. You would have a telephone line hooked up to the alarm system.
Q. Okay. I'm sorry.
A. But you wouldn't have --
Q. Let me withdraw that so I don't make it any more complicated. I understand what you're saying. So, what I meant was, have the alarm system hooked up to a telephone line. You've restated it correctly.
Is there anything unusual, in a large ranch operation, whereby the owner of the property has an alarm system hooked up to a telephone line that goes off the property?
A. No.
Q. And you've seen that. You've seen that in your work, correct? 4484

A. Yes.
Q. Is there anything unusual about the owner and the family having an alarm system around the immediate area where they reside to secure their own personal safety where they are living?
A. No.
Q. So you see that from time to time, that there will be a system that's set up in the living quarters actually where the family resides; is that correct?
A. Yes.
MR. SANGER: All right. Okay. No further questions.
MR. AUCHINCLOSS: Just one further question.
THE COURT: Yes.

FURTHER REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Mr. Green, as far as this barging system works in the Merlin system as compared to a home system, is this barging system different only in the fact that it has a "mute" button, or is there an additional feature that allows you to secretly listen to other phone calls?
MR. SANGER: Objection. That's compound; leading; and beyond the scope of cross, recross.
THE COURT: Overruled.
You may answer. 4485

THE WITNESS: There is a bit of a difference. On the Merlin system, if I barge in, the party that I barge in to cannot see any light, any visual indication or audio indication that I am listening, unless he hears some background noise in the back of me, or he hears me breathing.
Q. BY MR. AUCHINCLOSS: So there won't be a click?
A. There won't be a click. There won't be anything.
MR. AUCHINCLOSS: All right. Thank you. I have no further questions.

FURTHER RECROSS-EXAMINATION
BY MR. SANGER:
Q. Oh, and on that -- if I may, Your Honor -- there's no reason -- you have absolutely no information to suggest that this phone system was installed for the purpose of listening in on other people, do you?
A. No, sir.
Q. In fact, it looks like a phone system that was installed sometime in the late '80s and has just been maintained there on this property ever since, correct?
A. Yes.
MR. SANGER: Okay. Thank you. No further questions. 4486

MR. AUCHINCLOSS: No further questions.
THE COURT: You may step down. Thank you.
THE WITNESS: Thank you.
MR. SNEDDON: Would you ask Mr. Feldman to come in, please?
THE BAILIFF: We already did it.
MR. SNEDDON: He's on his way in from outside, but --
THE COURT: Come to the front of the courtroom, please.
When you get to the witness stand, please remain standing, face the clerk and raise your right hand.

LARRY FELDMAN
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Larry Feldman. F-e-l-d-m-a-n; Larry is L-a-r-r-y.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Good morning, Mr. Feldman.
A. Good morning. 4487

Q. You're an attorney licensed --
A. Right.
Q. -- to practice law in California?
A. I am.
Q. And how long have you been an attorney?
A. Since 1969.
Q. And would you share with the ladies and gentlemen of the jury your academic preparation to become a lawyer. Spare us the high school part. Just --
A. I went to -- ultimately graduated from Cal-State Northridge, where I'm proud to say I'm getting the Alumni of the Year Award this year. And thereafter I went to Loyola University in Los Angeles, where I graduated in 1969 as the editor-in-chief for The Law Review and No. 1 in my class.
Q. All right. And I assume you took and passed the bar?
A. I took and passed the bar.
Q. And in your practice, where are you currently employed?
A. Currently, I am at a law firm called Kaye, Scholer. K-a-y-e, S-c-h-o-l-e-r. It is in Century City in Los Angeles.
Q. And does it have offices in other locations?
A. It does. All over the world. Its main office is in New York, but it has offices in 4488

Shanghai, and Washington D.C., Chicago, Los Angeles.
I'm probably forgetting some.
Q. What is the lawyer size of the firm?
A. About 600 lawyers.
Q. Now, prior to the time that you -- how long
have you been with Kaye, Scholer?
A. Since January of 2004.
Q. And prior to that, what firm were you
associated with?
A. Prior to that, I had my own law firm, which
had different names from the time I joined it right
out of law school. But ultimately when -- as of
January 2004, it was Fogel, Feldman, Ostrov,
Ringler & Clemens.
Q. And were you the senior partner of that firm
at that time?
A. I was the head of that law firm.
Q. Just give the ladies and gentlemen of the
jury some idea of the type of practice of law that
you're involved in.
A. I have been a trial lawyer all of my life.
I started in this firm that I ultimately was the
senior partner of right out of law school. I
started trying primarily cases for injured federal
workers, railroad workers and seamen. It was called
The Federal Employers Liability Act, and The Jones
Act. And I did other kinds of, like, automobile
cases, but very rarely. 4489

It was -- primarily I practiced a lot in federal court, some in state court, and tried a lot of cases in those years. And then slowly but surely my practice developed. I started doing a much broader array of cases, from representing labor unions, to representing people involved in wrongful discharge cases, African-Americans who had been discriminated against big companies. Currently, right now, representing a class action in Washington D.C., the largest class action of African-Americans who have not been promoted appropriately.

I represent -- on the other side of the coin, I represent the Oakland Raiders in their many courtroom battles. I represent -- I have represented a lot of entertainment people suing studios. I have defended studios. I have represented individual people who have legal malpractice claims against lawyers. And I have defended lawyers who have been accused of malpractice. I have sued rock groups and defended rock groups.

And so my practice really has grown from what it once was into an array of cases, from really getting, at this stage of my life, some wonderful cases to handle as a lawyer.

Q. And did you, at one time, represent the late Johnnie Cochran?

A. I did represent Johnnie Cochran for ten 4490

years in a legal matter from the day, or
thereabouts, when he became involved in O.J. Simpson
till the end of that. Till 2000 and -- January 2004
I represented Johnnie.
Q. What professional organizations have you
been associated with and participated in?
A. I was the president of the Los Angeles
County Bar Association. I was the president of the
Los Angeles Trial Lawyers Association. I was an
officer in the American Board of Trial Advocates,
which is an organization that you have to be invited
into and have to have a certain skill level in
trials and in representing people.
I am what they call a Fellow of the American
College of Trial Lawyers, which is limited to
1 percent of the lawyers in the United States.
Another organization that you have to be invited
into to get into.
The International Academy of Trial Lawyers,
where I am -- which is limited to the top 500
lawyers, theoretically, in the world.
I mean, I don't know who's making these
judgments, but that's sort of --
Q. It's nice to be invited, even though you
don't understand the standards.
A. It's one club you want to be invited into.
But I'm sure there's somebody else who deserves to
be in this club who for some reason doesn't get in. 4491

Q. And are there some committees that you operate in on a statewide basis?
A. Yes. I've been appointed to -- by the governor to assist in selecting judges for the Southern California area. I have been appointed by the chief justice of the California Supreme Court, both chief justices, Malcolm Lucas, who was the chief justice originally, who had a blue ribbon committee of lawyers throughout the state, with judges, who are trying to improve the system of justice for -- so there would be better access to the Court for people.
Fancy people, big corporations, don't have any problems using the courts. But little people have a lot of trouble getting through these courts, and the chief justice had a committee, as we moved into the millenium, to try to figure out how to better access courts for individuals who couldn't higher fancy lawyers.
And then just recently the current chief justice of the Supreme Court asked me to be on a committee to help with the discipline of lawyers. There is a lot of criticisms that lawyers who should be disciplined aren't disciplined and that the public doesn't feel like we're disciplining our own lawyers.
And the State Bar is in charge of this system as it exists right now. And there are these 4492

State Bar judges who judge it, and there's -- I've been asked to be on this committee to look at these issues and try to develop a better system for making sure that lawyers who need to be punished are punished and that we have the right people in place who can punish them appropriately.
Q. And have you done some teaching in your spare time?
A. In my spare time, when I'm not in Santa Maria testifying, I do. I am -- I taught last week at Loyola. I do a lot of teaching to judges, to lawyers, to law students, on different things about the law, from ethics, to how to try a lawsuit, a whole potpourri of different things.
I've written a lot about -- articles and chapters in books about how to try lawsuits or some aspect of some part of a case that I may have tried.
Q. Let's turn to a specific case, if we can, and I'd like to focus your attention to the year 1993 and '94, if we can.
Are you familiar with a then young boy by the name of Jordan Chandler?
A. I am.
Q. And how did you become involved -- by the way, did you know -- when you first met Jordan Chandler, do you recall how old he was?
A. He was 13, as I recall.
Q. And how did you become involved with Jordan 4493

Chandler? Tell us.
MR. MESEREAU: Objection to the extent it
calls for hearsay.
THE COURT: Calls for a narrative, sustained.
Q. BY MR. SNEDDON: Well, describe to us, then,
the first contact you had with regard to Jordan
Chandler.
A. A lawyer --
MR. MESEREAU: Same objection. To the
extent it calls for hearsay, I'm going to object.
THE COURT: Overruled.
You may answer.
THE WITNESS: A lawyer in the community
referred his -- the parents, and -- are we using his
name?
Q. BY MR. SNEDDON: Yeah.
A. We're using his name?
Q. Jordan Chandler, yeah.
A. Okay. Who used Jordie -- who brought Jordie
to me, a lawyer who was representing the father of
Jordie at the time. If I recall, Jordie was being
represented at the time, for like 20 minutes or so,
by Gloria Allred. They wanted to switch lawyers.
And he asked me to interview the family, and I did.
Q. And as a result of the interviews and what
other actions you also took, did you eventually end
up filing a lawsuit against the defendant in this
case, Michael Jackson? 4494

A. I did.
Q. On behalf of Jordan Chandler?
A. I did file a lawsuit.
Q. On behalf of the family also, members of the family?
A. You know, without seeing the lawsuit, the mother and father, if I recall correctly -- I could be wrong about this, without seeing the lawsuit. I thought the mother and father were just the guardians and didn't have their own claims that we asserted. I don't think we ever asserted any claims on behalf of the mother and mother. We just asserted them on behalf of Jordie.
And the parents in the Chandler case were divorced, and there was a lot of acrimony between mom and dad, and in order to keep peace between mom and dad, I came up with the idea that there should be a joint guardianship, and I think we took -- that's what we did.
Q. All right. With regard to that particular case, which would have been, I guess, Chandler versus Jackson, correct?
A. It was.
Q. That would have been the heading? You did file a formal lawsuit?
A. I did.
Q. And what jurisdiction was that lawsuit filed? 4495

A. Los Angeles Superior Court.
Q. And in that particular lawsuit, do you remember how many causes of action you alleged?
A. I think seven, roughly seven causes of action.
MR. MESEREAU: Relevance, Your Honor.
THE COURT: Overruled.
You may proceed.
Q. BY MR. SNEDDON: And with regard to the causes of action, what was the nature of the causes of action alleged against the defendant Mr. Jackson?
A. The sexual molestation of Jordie Chandler.
Q. Now, did that particular case, the case of Chandler versus Jackson, eventually result in a settlement?
A. There was.
Q. And with regard to that particular settlement, was there a particular form that the settlement took?
A. “Form” meaning a contract?
Q. Well, a contract or some other document to --
A. Yeah, there was a lot of documents that surrounded that settlement.
Q. And with regard to the settlement, was it -- you’ve heard - I’m sure you’re familiar more than I am - the term “confession of judgment”?
A. Yes. 4496

Q. Was that particular form of document used in the settlement of the Chandler versus Jackson lawsuit?
MR. MESEREAU: Objection; relevance.
THE COURT: What's the relevance, Counsel?
MR. SNEDDON: The form of the settlement in terms -- I mean, the form of the settlement -- do you want me to go ahead and speak out, or do you want to approach the bench?
THE COURT: I asked you the question.
MR. SNEDDON: All right. Then as I understand it, there are settlements that are done by way of contract, and there are settlements that are done by way of confession of judgment.
THE COURT: What's the relevancy?
MR. SNEDDON: The legal effect of the judgment, plus the --
THE COURT: All right. You may ask the question.
Q. BY MR. SNEDDON: All right. I'm -- you're far more capable than I am of delineating the differences, but is there a difference between a civil settlement that results from a contract and one that results from a confession of judgment?
A. Yes.
Q. All right. Would you explain to the jury what the difference is and what the legal effect is?
A. Yes. In a confession of judgment, it is as 4497

though we went to trial and had a lawsuit and the jury came back with a verdict and we had a judgment, or the Judge came back with a finding. And when the Judge says somebody's at fault, and "Here's your damages," you put it into a judgment. And when you have a judgment, you can file that judgment in the county and then you can execute on that judgment, so that if -- and just as an example, and I'll just make this number up, let's say you had it for one dollar, a judgment for a dollar. Well, if you have a judgment, you could just go and take somebody's house or take somebody's car, or go to their bank account and literally take that dollar out to satisfy the judgment. If you just have a release or a contract, then you -- all you get left with, if the person doesn't pay you the dollar, is a something that says, "I promise to pay you a dollar." And then you got to start all over and prove that person breached that contract. So in the Michael Jackson case, because there were payments going to take place --

Q. Let's stay away from all that area, okay? Just tell us about --

A. All right. Well, that's the best I can tell you the difference.

Q. All right. So -- but in the Michael Jackson case, you got a confession of judgment? 4498

A. I got a confession of judgment.
Q. Now, with regard to the case of Chandler versus Jackson, all right --
A. Yes.
Q. -- you told us the causes of action involved child molestation, correct?
A. Correct.
Q. Had you handled other child molestation cases prior to the Chandler versus Jackson case?
A. The answer is, to the best of my recollection, I had never handled a -- what I would call a civil child molestation case sexually. If what you're asking -- I don't want to -- I did handle, on the defense side, a family that was accused of abuse of a child.
Q. Physical abuse.
A. It wasn't sexual abuse. So, if the question is sexual molestation, to the best of my recollection, I have never handled a sexual molestation case before Michael Jackson and since Michael Jackson.
Q. Now, at the time that you were representing Jordan Chandler back in 1993 and '94, were you aware, your own personal knowledge, whether or not the Los Angeles County District Attorney's Office was involved in investigating the sexual abuse allegations against Mr. Jackson?
A. I do, and they were. 4499

Q. And of your own personal knowledge, were you aware of the fact that at some point in time later, that the Santa Barbara County District Attorney's Office joined that investigation?
A. Yes.
Q. During the time that you were representing Mr. Chandler, the child Chandler, not the father Chandler, the child, Jordan Chandler, during the time that you were representing him, were either -- let's just go one at a time so we don't get a compound problem. But was the Los Angeles District Attorney's Office given an opportunity to talk to your client?
A. The Los Angeles County District Attorneys, they talked to my client, they certainly did. They talked to him all they wanted.
Q. And then later, when the Santa Barbara District Attorney's Office joined in the investigation, were they allowed access to your client for interview purposes?
A. I mean, you know, I could be wrong. I think you were. Or I don't know about you, but I thought you were. I thought, but I don't remember that, frankly, whether you were or you weren't. I know when the police wanted to talk to Jordie during that period of time, they had access to him, so which ones I can't recall.
Q. Was there a time in which there was a 4500

request for your client, Jordan Chandler, to appear before the Santa Barbara County Grand Jury?
A. Gee, I can't remember that really. There may have been. I just don't remember.
Q. To your knowledge, did your client appear before the Santa Barbara County Grand Jury?
A. I don't think so.
Q. Was there some point in time where your client decided that he did not want to participate in an investigation by --
MR. MESEREAU: Objection. Relevance; foundation; and calls for speculation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Are you aware, as a practicing lawyer in the State of California, that a juvenile who has been the alleged victim of a child molestation cannot be forced to testify --
MR. MESEREAU: Objection. Leading; and relevancy; and mis -- and misstates the law.
MR. SNEDDON: No, it doesn't mis -- I'm asking his professional legal opinion, Your Honor.
MR. MESEREAU: Calls for a legal conclusion.
THE COURT: I'll allow the question, but I'm going to have you rephrase it because of the -- of the way you asked it. I'll allow this subject matter to be questioned.
Q. BY MR. SNEDDON: With regard to your practice of law and in your civil litigation, and 4501

with regard to your representation of Jordan Chandler in the Chandler versus Jackson lawsuit, okay --
A. Yeah.
Q. -- were you aware or did you become aware of the fact that there is a code section dealing with the -- with a minor's right to refuse to testify in a criminal prosecution?
A. I was aware of one in '93.
Q. And you were aware of that while you were representing Jordan Chandler?
A. I was.
BAILIFF CORTEZ: Speak more into the microphone.
THE WITNESS: What do you want me to do?
BAILIFF CORTEZ: Speak more into the microphone.
THE WITNESS: Oh.
Q. BY MR. SNEDDON: Now, I guess the last question I have, and I'm probably taking it too much for granted, but with regard to the lawsuit involving Chandler versus Jackson, was that resolved in Chandler's favor?
MR. MESEREAU: Objection.
THE WITNESS: It was -- oop.
MR. MESEREAU: Move to strike. Vague; no foundation; calls for speculation.
THE COURT: Overruled. 4502

Q. BY MR. SNEDDON: You may answer.
A. It was absolutely resolved in Mr. -- in Jordie Chandler's favor.
Q. All right. Let's fast-forward, if we can, to the year 2003.
Are you familiar with an attorney by the name of Bill Dickerman?
A. I am.
Q. And have you ever had contact with Mr. Dickerman?
A. Before then or --
Q. No, in 2003.
A. Yes.
Q. Had you ever had any prior contact with Mr. Dickerman of any kind?
A. Yes, he, I believe, tried to refer me a case or cases in the past. Most of the cases I get are from other lawyers who refer me business, and I know that he did. I can't remember what the case was about, and I know I didn't take it, but at least on one occasion, if not more, he had called me and asked me to help him in cases that he was involved with.
Q. Okay. Now, before we get too far down the road with Mr. Dickerman, I neglected to show you a photograph.
Your Honor, I've had a photograph marked as 7-76, 776 for identification purposes. I'm 4503

approaching the witness. I've shown it to counsel.
Mr. Feldman, do you recognize the person
depicted in that photograph?
A. I do.
Q. Who is that?
A. Jordie Chandler.
Q. Is that an accurate depiction of what Jordie
Chandler looked like?
A. He was much better looking, I can tell you,
at that age. He was adorable. That's kind of
blurry.
MR. MESEREAU: Objection; move to strike the
gratuitous remarks.
THE COURT: Stricken.
MR. SNEDDON: Move that 776 be admitted into
evidence, Your Honor.
MR. MESEREAU: No objection, Your Honor.
THE COURT: The answer was stricken to the
question as to whether or not it was an accurate
picture of Jordan Chandler. That hasn't been
answered.
MR. SNEDDON: I thought you were just
striking the last part.
THE COURT: I struck the whole thing.
Q. BY MR. SNEDDON: Is that photograph, 776, an
accurate depiction of Jordan Chandler at or about
the time that you knew him?
A. Yes. 4504

THE COURT: All right. It's admitted.
MR. SNEDDON: May I publish it, Your Honor?
THE BAILIFF: "Input 4," Your Honor.
THE COURT: Yes.
Q. BY MR. SNEDDON: All right. Mr. Feldman, the exhibit that is on the Elmo there, 776, that's the one you just identified as the individual depicted as Jordan Chandler, correct?
A. That's correct.
Q. All right. Thank you very much.
Now, let's get back to Mr. Dickerman. You indicated that you had at least one prior referral from him that you recall. Now, let's just talk about something in general.
You say you get a referral. Is there ordinarily, in the practice of law when somebody refers you a case, an agreement called a referral agreement?
A. Yeah. Depending on what kind of case, obviously, that's being referred, but the answer is yes.
Q. Could you explain to the ladies and gentlemen of the jury how that referral agreement usually works, in general terms?
A. Yeah, sure. If -- there are two ways, generally, lawyers make their money. One is a contingent fee agreement, where they only receive payment if they are successful. And if they're not 4505

successful, they don't get paid. The second is just a straight hourly kind of payment where you get paid for every hour that you work.
In the contingent field, when a lawyer referrs another lawyer in the contingent field, some lawyers, not all, want to participate in some fashion, some way, and they then request the referral fee. And the State Bar rules say that's legal and you can do that, as long as you tell the client in advance and the client consents to that referral agreement.
Q. Now --
A. And it's traditionally done. Not "traditionally," but depends where the case is coming from and who the lawyer is, and, you know, it's a whole variety of things.
Q. In 2003, did Mr. Dickerman refer you a case?
A. He did.
Q. And with regard to that particular case, was there one of these referral agreements formed between you and he?
A. Ultimately, yes. Not right at the beginning. But ultimately, yes.
Q. As part of the referral process, did you have a conversation with Mr. Dickerman?
A. Yeah, I'm sure I did. I must have.
Q. The first contact was by phone?
A. Oh, yeah. The first contact with Mr. 4506

Dickerman clearly was by phone.
Q. And did you eventually have an in-person conversation with him?
A. In general. You're not talking about the referral fee now. You're talking about just --
Q. Yeah, I'm talking about --
A. In general, yeah, sure. I mean, he called me. He told me stuff. He then wanted to come in and talk to me.
MR. MESEREAU: Objection. Hearsay; move to strike.
THE COURT: Sustained.
THE WITNESS: I'm not going to say what he said.
MR. SNEDDON: I know, and you didn't.
Q. Okay. So he had a telephone conversation with you, and he told you some things over the phone?
A. That's right.
Q. All right. As a result of that telephone call, did you then have an in-person meeting with Mr. Dickerman?
A. As a result of that, I had an in-person meeting, yes.
Q. Do you recall whether or not, at the time that you had the first in-person meeting with Mr. Dickerman or the first meeting in person - the sentence the other way was bad - with Mr. 4507

Dickerman --
A. Yes.
Q. -- do you recall whether or not the clients that he was referring to you were present?
A. I don't think they were in the first meeting.
Q. Now, at some point after that, then, did you meet the individuals that were the subject of the case referred to you by Mr. Dickerman?
A. Yes.
Q. And with regard to those -- the clients, do you recall their names?
A. Yes.
Q. Who were they?
A. Janet Arvizo, her daughter Davellin, her son Gavin, and her son Star.
Q. Now, let me go back. I neglected to ask you one other question about referral agreements. Does the fact that you take a referral agreement from another lawyer obligate you to continue that case to a point of filing a cause of action or taking some form of action?
A. Absolutely not. Absolutely not.
Q. You had a meeting involving the family where you met them?
A. Yes.
Q. Do you recall whether Mr. Dickerman was present or not? 4508

A. My guess is he was, because I assume he brought them to me and brought them to my office, and he had contact, a lot of contact, with them before he came to me, so I'm assuming he did. I'm almost sure he was there. I would never have met with them without him being there.
Q. And do you recall where the meeting took place?
A. In my office. This is when I was at Fogel, Feldman. This is not my new job, but when I had my old law firm.
Q. Where was that office located?
A. In Santa Monica.
Q. Now, as a result of that first conversation with the Arvizo family, did you decide to take a form of -- a course of action of any kind?
A. Well, sure, of some kind.
Q. All right.
A. I mean --
Q. What would you categorize, in terms of the way you handle cases, as the process that you felt was going on at this point?
A. The process that I follow in my law office at all times is people come in, they tell a -- the factual story. We then -- depends on the case, but generally speaking we then will do research, legal research, especially in a case like this, to see and try to understand what the law is. 4509

And because of the nature of the potential defendants at that time, which was ABC, this Martin Bashir, whatever his company was called, it involved Michael Jackson, we were going to make sure we knew what we were doing before we started. And so after we sort of heard this version of the facts, of some facts anyway, that's the next step that we did. We also I think got -- we were shown letters. Mr. Dickerman had letters that he had written to the BBC in England, and he wrote letters to Mark Geragos, and Geragos to him, I can't recall which way they went, but -- so we had those, and we were trying to make heads or tails in a legal sense, which nobody had done up to that point in time, to try to focus on what is this about and where -- are we interested in taking any more steps.

Q. Now, with regard to the legal research that you did, what was the research that you did?

A. We had to research -- the fundamental issue was that Martin Bashir had done a tape at Mr. Jackson's house that Ms. Arvizo had told us --

MR. MESEREAU: Objection to the extent it calls for hearsay, as well as narrative.

THE COURT: Sustained.

Q. BY MR. SNEDDON: Just what are the issues that you were researching as a result of your conversation with the Arvizo family?

A. Well, the -- whether or not Martin Bashir or 4510

ABC had to have consent to put the children on television.
Q. Now, with regard to other aspects of the information provided to you by the Arvizo family in this meeting, did you decide on another course of action that you felt you needed to do to determine whether you were going to represent this family?
MR. MESEREAU: Objection. That's leading; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. SNEDDON: And what did you do in that connection?
A. I decided at some point in time that I had to make some heads or tails out of what was being told to me by Mrs. Arvizo, by Star, the young boy, and Gavin. And I concluded that I wasn't going to be able to do --
MR. MESEREAU: Objection. Move to strike; impermissible opinion; no foundation; relevance; hearsay.
MR. SNEDDON: Judge --
THE COURT: The question, though, was what did he do next, so he answered that. So his thoughts aren't being called for at this point.
MR. SNEDDON: Judge, I believe under 1250 of the Evidence Code -- 4511

THE COURT: This just relates to the question and answer, Counsel. The question didn't call for his thoughts. Don't look at me like that.
MR. SNEDDON: I -- Judge, I was thinking of the next question I was going to ask. If you took it the wrong way, I'm sorry, but I wasn't --
THE COURT: All right. Go ahead.
MR. SNEDDON: I mean, it's --
Q. All right. So you -- you decided on a course of action?
A. I did.
Q. As a result of the information given to you?
A. Yes.
Q. And what was that course of action?
A. The course of action was to allow an expert, which I was not, to spend some time with all three of them. Davellin wasn't really the issue, but Janet, Star and Gavin, and let some expert figure out, if he could, what was happening.
Q. All right. Did you contact somebody to help you make that evaluation?
A. I did.
Q. And who was that?
A. Dr. Stanley Katz.
Q. And are you familiar -- were you familiar with Dr. Katz prior to the time that you decided to use him in the case --
A. Yes. 4512

Q. -- involving the case that Mr. Dickerman had referred to you?
A. Yes.
Q. And what was your prior contact with Dr. Katz?
A. In 1987, I was defending a family who had been wrongfully accused of abusing a child, and the court so found, but -- and Dr. Katz, the first time I met him, was an expert that we hired for the defense to assist in that trial, and he testified in that case.
Q. Did you hire Dr. Katz or did he participate in the case of Chandler versus Jackson?
A. Yeah, in Chandler versus -- well, "participate." Chandler versus Jackson moved very quickly, because he was a minor.
Q. Did you retain him?
A. So I retained him, yes.
Q. And did he play any role in the case itself? It never went to trial, correct?
A. The case never went to trial. We never got that --
MR. MESEREAU: Objection; asked and answered.
MR. SNEDDON: I'll move on, Your Honor. It's not a problem.
THE COURT: All right.
Q. BY MR. SNEDDON: As a result of your 4513

contacts with Dr. Katz, did you decide to send the Arvizo family to Dr. Katz?
A. Yes.
Q. In 2003?
A. Yes.
Q. Okay. Now, do you recall when that was, approximately, what month it was?
A. Either May or June, in that time frame, of 2003.
Q. At some point in time, did you receive a report back from Dr. Katz about his initial contacts with the family?
A. Oral. I got an oral -- I had an oral conversation with him.
Q. Do you recall whether it was in person or over the phone?
A. I think it was in person, quite frankly. I think he came to my office.
Q. Now, after you received this report, did you do anything?
A. Yes.
Q. What did you do?
A. I called the Arvizo family, Mrs. Arvizo and the three children, back into my office for a meeting.
Q. All right. And in that meeting, what was the topic discussed?
MR. MESEREAU: Objection to the extent it 4514

calls for hearsay.
MR. SNEDDON: All right.
THE COURT: Overruled. The subject matter only.
THE WITNESS: The subject matter only. The subject matter was the options -- well, what Dr. Katz had told me, and their -- the options that existed at that point for that family. Different courses of action that were available to them at that point in time.
MR. SNEDDON: Your Honor, at this point I would ask the Court to be able to have the witness be able to recount those, and that it would be admissible under 1250 of the Evidence Code not only as to this witness's state of mind, but also as to the state of mind and actions of the Arvizo family.
MR. MESEREAU: And I object. Hearsay, foundation; relevance; and calls for improper conclusion; and 352.
THE COURT: Whose statements are you offering for the state of mind only?
MR. SNEDDON: Your Honor, both. I mean, you're asking me, so I guess I can go beyond --
THE COURT: Just give me names.
MR. SNEDDON: All right. This witness, Mr. Feldman, with regard to his state of mind with regard to what the future of any lawsuit may be at this point; and secondly with regard to the Arvizos, 4515

any decision that they would have made regarding any lawsuits against any individuals at this point in time, which I believe is an issue in this case.
THE COURT: The objection is sustained.
Q. BY MR. SNEDDON: As a result of your conversation with the Arvizos on this particular day, what was the next step that you took in evaluating this case?
A. Well, the next step I took was, after -- I won't say what I said. I understand the ruling. They went back and saw Dr. Katz again. And I then went to the head of the --
Q. Let's just stop there for just a second, Mr. Feldman.
A. All right.
Q. So as a result of the conversations that you had with the Arvizos, there was a decision to go back to see Dr. Katz with the family again, correct?
A. Their decision to; that they wanted to go back and see him again.
Q. Okay. And to your knowledge, did that happen?
A. Yes.
Q. And to your knowledge, did you then find out the results of Dr. Katz' subsequent conversations with the family?
A. Yes.
Q. And as a result of those conversations with 4516

Dr. Katz, did you decide on a further course of conduct that you felt needed to be done?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
THE COURT: You may answer.
Q. BY MR. SNEDDON: What did you do?
A. I then believed that -- Dr. Katz believed he had a report, and I then went to the head of --
MR. MESEREAU: Objection. Move to strike; hearsay.
THE COURT: His belief is stricken. The question is, “What did you do?”
THE WITNESS: I went to the head of the Department of Children Services, Los Angeles County, a fellow by the name of David Saunders, who was the head of the Department of Children & Family Services.
Q. BY MR. SNEDDON: And did you contact him prior to going down to the department?
A. I did.
Q. By what form?
A. Well, that’s a good question. I contacted him first between the meeting where I called the Arvizos into my office after Dr. Katz talked to me and before they went back. I talked to him and alerted him to a possibility that I might need to talk to him. 4517

Q. And then after that?
A. And what I can't remember is if I saw him at a social gathering where we were both at, or did that by phone. I just -- it was one or the other, but I definitely met with him or talked to him and told him that -- I didn't tell him what it involved. I just told him it was a high-profile thing, and if it happened, I needed to have secrecy.
Q. All right. Now, with regard to after your second conversation with Dr. Katz, did you actually go down to the Los Angeles County Department of Child & Family Services?
A. Yeah, well, I did then definitely call him and talk to him again.
Q. Before you went down there?
A. Before I went down, and then after talking to him and telling him what it was --
MR. MESEREAU: Objection. Move to strike; asked and answered.
THE COURT: Sustained. Well, not asked and answered, but it's not responsive.
Q. BY MR. SNEDDON: So you had a telephone call with him?
A. I did have a telephone call.
Q. And after that telephone call, did you go down there, and with whom?
A. I went down there with a colleague of mine from my office and Dr. Katz. 4518

Q. And what was the purpose for the three of you going down to the L.A. County Department of Child & Family Services?
A. I wanted to get absolute assurance from the head of the department that there would be no leaks of anything that they decided to do or not do in connection with the report that Dr. Katz was going to make.
Q. Now, are you familiar with the law in the State of California that requires certain psychologists or psychiatrists to make a mandatory report --
A. I am.
Q. -- when they suspect child abuse or child --
MR. MESEREAU: Objection. Leading; move to strike.
THE COURT: Overruled.
THE WITNESS: I am aware of that.
Q. BY MR. SNEDDON: And was this the purpose for the three of you going down to the L.A. department?
A. The purpose was for him to report, but he could have done it on a hotline like was done in ‘93. This time it was to have it guaranteed it was never going to leak out to the press.
Q. Okay. Now, as a result of this conversation, were you directed to another agency?
A. Well, he directed me into a room with two 4519

people. That's where he directed me.
Q. You had a conversation with those people?
A. I had a conversation with those people.
Q. And as a result of that conversation, were you directed to another agency? Let me put it this way: Did they take the report?
A. They didn't take the report, and they didn't direct us to another agency. They --
MR. MESEREAU: Objection. Hearsay; move to strike.
THE COURT: Overruled.
Q. BY MR. SNEDDON: Now, after you left the agency, did you decide on a course of action?
A. Yes.
Q. And was this regarding and connected with Dr. Katz' responsibility as a mandated reporter?
A. Yes, because I felt he still hadn't reported because they didn't take the report.
MR. MESEREAU: Objection. Objection. Move to strike; nonresponsive.
THE COURT: After "Yes" is stricken.
Q. BY MR. SNEDDON: All right. Who did you call?
A. I called you.
Q. Okay. And as a result of that conversation, were you eventually contacted by somebody else?
A. My recollection is that I was contacted by a police officer. Or he may have been a sheriff. I 4520

don’t know what he was, but he was some law enforcement person.
Q. Now, during the course of the conversation between you and I, did the subject of a civil lawsuit against Michael Jackson in connection with the substance of the mandated report come up?
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. The answer was, “Yes.”
Q. BY MR. SNEDDON: And in that connection, was there a representation made by you to me concerning a civil lawsuit?
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. The answer was, “Yes.”
Q. BY MR. SNEDDON: And with regard to that representation - and, Your Honor, I’m offering this under 1250 - what was said by you to me?
A. No lawsuit. I would not file a lawsuit. And there was no plans to file a lawsuit. And that you would investigate it and make up your own mind. Not you, but the police.
Q. Now, do you currently -- at some point in time did you feel you represented the Arvizo family in some kind of litigation?
A. That’s a great question. I’ve thought about 4521

it. Yeah, I mean -- yes, I guess -- I don't know about some litigation. I certainly represented them in everything I did, because I'm a lawyer and I was doing it as a lawyer. So, yes. The answer is yes.
Q. With regard to the information and the substance of the original conversation with the Arvizo family, did you feel that you represented them at least at some point with regard to the exploration of the issues involving the Bashir tape and things of that nature?
A. Yes. For sure.
Q. And was there a certain point in time where that representation ended?
A. Yes.
Q. And when was that?
A. Approximately -- I terminated them, my relationship with them sometime in October, I think, if not sooner. I think effectively it was August or September, somewhere in that time, of '03, and then shortly thereafter I wrote a letter terminating my relationship, confirming that I was not their lawyer and that I wasn't going to proceed with anything.
Q. And at any point in time from the time you first met the Arvizo family and to the time you wrote the letter saying you were not going to represent them, which would have been somewhere around October of 2003, did you ever file an action on their behalf? 4522

A. No, never have.
Q. Now, subsequently, in the year 2004, you did some legal work for the Arvizo family, correct?
A. Yes.
Q. And you -- and you have made appearances in court on representing the family; is that correct?
A. Well, I haven't physically made any appearance, but I have occasionally done things, very limited, for them.
Q. And have you done that for other clients before?
A. Oh, yeah. I was --
Q. Is there a term in the legal profession that we call that?
A. Yes.
Q. What's it called?
A. Dumb.
Q. That wasn't exactly the one I had in mind.
A. Pro bono. Pro bono. Stupid.
Q. And do you consider what you did with the Arvizos after the point that you were no longer officially their lawyer to be pro bono work for the family?
A. Yeah. Absolutely. I never expected to get paid, and I've done very limited stuff, and the stuff that I've done is just stuff that I felt that I should do. That nobody was going to do it for them, and I got this thing rolling and I ought to do 4523

it, and I have very limitedly done things.
Q. Is one of the things that you did for them was to file a claim with the Los Angeles County Department of Child & Family Services?
A. That I did for both of us, because of again, because I was upset that the county did that, so we filed a claim.
Q. Why did you file a claim against Los Angeles County on behalf of Janet Arvizo?
A. Because the County of Los Angeles has a sworn obligation to protect children. And here, they swore -- I went to the head to get this thing protected, and the minute Mr. Jackson gets arrested, the first thing that happens is that county leaks out a report that was created and written after he was arrested, a memo. It comes out, it quickly gets on the news, and quickly blasts this family. And I thought, of all the things that I've seen as a lawyer --
MR. MESEREAU: Objection. Move to strike; nonresponsive; giving a narrative; impermissible opinion.
THE COURT: It is responsive, but it is a narrative answer. So I'll sustain the objection.
Q. BY MR. SNEDDON: All right. So with regard to this particular claim that you filed, it's not a lawsuit, right?
A. It was a claim. 4524

Q. And that's required when you sue a governmental agency, to file a claim first?
A. Yes.
Q. And then what is the -- we've heard this term thrown around in the courtroom in relationship to other things, what's the "statute of limitations" for an individual to actually bring the lawsuit once the claim is filed?
A. You have 180 days to file the claim from the event. And then -- so you have to have a claim on file if you were ever going to do anything. And then once they deny the claim, you have another 180 days, essentially, to bring a lawsuit once it's denied.
Q. And as a result of that claim that you filed on behalf of Janet Arvizo, has the second 180 days elapsed?
A. It has as to Janet, and it has as to Davellin. I don't think it has, frankly, as to the minors. But it certainly has as to -- Janet couldn't file a lawsuit today and her daughter couldn't file a lawsuit today.
Q. And that's because they have a certain number of years after they reach the age of majority, 18, to file a claim or a lawsuit?
A. That's my understanding. Once they file a claim it protects their rights, I think. You know, I really -- this was a claim that asked for an 4525

apology.
Q. So they were never seeking monetary damages?
A. Well, who knows? But, I mean, there really --
MR. MESEREAU: Objection; move to strike.
THE WITNESS: I don't know what --
THE COURT: Just a moment.
The objection is sustained. Any answer is stricken.
Q. BY MR. SNEDDON: At the time that you made the written claim to the County of Los Angeles, did you demand monetary damages?
A. It had -- it probably said words in there, whatever the damages are. It didn't have a number, I can tell you that. And it had -- I mean, you can't file a lawsuit without the claim. I mean, there's no such thing as a lawsuit for an apology. So it said some -- if I saw it, if you had it, I could tell you, but it was really to conduct a -- get the county to do something, for the next kid.
MR. MESEREAU: Move to strike the gratuitous remarks at the end; nonresponsive; impermissible opinion.
THE COURT: I'll strike the last sentence.
Q. BY MR. SNEDDON: During the time that you -- since you first met Janet Arvizo --
A. Yes.
Q. -- and the Arvizo family, were you ever 4526

asked to file a lawsuit against Michael Jackson?
MR. MESEREAU: Objection. Move to strike;
calls for inadmissible hearsay; no foundation.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: I have never been asked to
file any lawsuit against Michael Jackson.
MR. SNEDDON: Nothing further, Your Honor.
MR. MESEREAU: May I take just a second, Your
Honor? I have to get some materials.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning, Mr. Feldman.
A. Good morning, sir.
Q. Mr. Feldman, if Gavin Arvizo decided at some
point in the future to sue Mr. Jackson for alleged
sexual abuse, how much time would he have to file
that action?
A. I think he'd have till his 20th birthday.
Q. If Star Arvizo decided in the future to sue
Mr. Jackson for alleged sexual abuse, how much time
would he have to file that lawsuit?
A. I think the answer's the same. 20.
Q. If, at the end of this trial, they were to
decide, you know, "We'd like to sue," they'd have
plenty of time to do it, wouldn't they?
A. "They" meaning the boy -- 4527

Q. Gavin.
A. Not Janet.
Q. Gavin and Star.
A. The two boys?
Q. Yes.
A. If they wanted to at the end of the trial, they could sue, sure.
Q. Isn't it true that a judgment of conviction in a criminal case for anything related to child molestation could be dispositive in a parallel civil suit alleged for the same facts?
A. As long as it's a felony conviction, that's right.
Q. In other words, if Mr. Jackson were convicted of felony child molestation in this case, either Gavin Arvizo or Star Arvizo could use that conviction to essentially win a civil case regarding similar alleged facts against Mr. Jackson?
A. That's correct.
Q. If there were a conviction for felony child molestation in this case, and if Star or Gavin elected to sue in a civil case based on the similar alleged facts of sexual abuse, essentially the only issue remaining would be how much money you get, correct?
A. Probably. I think that's -- it's close enough. I mean, nothing is that simple, as just stated. You know it as well as I. But essentially 4528

I think that's what would happen.
Q. Well, you would have to follow certain civil procedures in civil court, but essentially, Mr. Feldman, you could take the judgment of conviction, you could walk into civil court, you could lodge it with the court, you could ask a judge to determine that liability has been established, true?
A. Yes. You get these problems with appeals, and the impact of appeals, and it's a complicated thing, but the answer is ultimately yes.
Q. And one of the reasons for that is that the burden of proof in a criminal case is proof beyond a reasonable doubt. The burden of proof in a civil case is preponderance of the evidence, and if you have proof beyond a reasonable doubt, you automatically have proof by a preponderance of the evidence, as you would need to have it in civil court, true?
A. That's the theory.
Q. Well, that's correct, right?
A. Yeah, that's the theory behind it.
Q. All right. Now, let's assume there was a conviction in this case and that Mr. Jackson were convicted of felony child molestation, and let's assume that Gavin and Star then decided, "We want to file a civil suit for millions of dollars in civil court," okay?
A. Yeah. 4529

Q. On similar alleged facts. And let's assume the process you've just identified, where you walk into civil court, you follow rules, and you essentially establish to a civil court judge that liability exists.
If that were to happen, whoever the civil lawyer was representing the Arvizos would have avoided costs of investigation, experts, depositions, filing fees, messenger fees, all sorts of legal fees, right?
A. Well, look, I don't want to open that hypothetical. You'd have to be nuts to do that, what you're saying, as a civil lawyer.
Q. Sir --
A. You'd have to be nuts.
Q. Sir, did you tell a grand jury in Santa Barbara County that you had incurred tremendous costs of expenses during your lawsuit against Mr. Jackson in 1993?
A. I did. And it was true.
Q. And if liability were established through a criminal conviction, a civil litigator could avoid most of those costs, correct?
A. Some of those costs. Not most. Some. I mean, certainly some you would avoid.
Q. You could avoid of lot of investigative costs, correct?
A. You know, it's -- can I -- 4530

Q. Just answer my question, if you would, please.
A. I can't answer it that way. If I could explain to you why. You know, I'll tell you why I can't, and you can ask me the next question and you can get to the answer.
Q. Is your answer you would not avoid investigative costs?
A. No, it's the amount of investigative costs we're talking about.
Q. Okay. Did you tell the jury today that when you were in front of the grand jury you mentioned the enormous amount of expenses and legal fees you had incurred in 1993 litigating that case until it settled?
MR. SNEDDON: Object. Asked and answered, Your Honor.
THE COURT: I'm not -- I'll sustain the objection if you're asking him what he previously testified to --
MR. MESEREAU: Yes.
THE COURT: -- today. I mean, you're saying, "What did you just testify to on direct?"
MR. MESEREAU: I couldn't -- to be honest, Your Honor, I couldn't tell if he had actually addressed that issue. It's a long answer.
THE WITNESS: I'm happy to -- the legal fees wouldn't change. The costs would change. We're 4531

just debating how much those costs change. But the costs would change. The legal fees would be the same. If you're on a contingent fee, you don't get paid any more if you work a lot or work a little.
Q. BY MR. MESEREAU: But if you were to gauge your legal fees at hours, sir, and you didn't have to prove liability, you would save a tremendous amount in legal fees, wouldn't you?
A. Well, sir, I keep trying to tell you, that ain't the way it works, and you want to keep saying it is. Now, I can tell you how it works, and then you can get to what you want to get.
Q. If you had to try a civil case on liability, Mr. Feldman, it could go months, couldn't it?
A. Sure.
Q. If you have a judgment of felony conviction in a criminal case and you walk into civil court and establish it, you don't have a trial in civil court for months on liability, correct?
A. You have to --
Q. Yes or no?
A. You could, if you -- you know, you could. I can't answer it the way you want me to answer. I'm happy to explain it to you, and maybe we can get to the answer.
Q. Would a judgment of felony conviction in criminal court possibly eliminate a trial on liability in civil court for similarly alleged 4532

facts? Yes or no.
A. Do you count punitive damages in
"liability," or not?
Q. Sir, I'm asking you to answer my question.
A. Well, I can't -- I can't answer it this way.
Liability has a lot of aspects to it, sir, and one
of the things is the finding of malice.
Q. Okay.
A. And that's separate from what you're talking
about.
Q. In other words, if you could avoid the
liability phase of a civil case, you wouldn't save
some time in legal fees?
A. Of course you would save some time, and you
would save some money. We're just talking about how
much. You keep saying it's -- there's -- it would
be a total saving, and I'm trying to explain to you
that's not what would happen. It wouldn't go down
that way.
Q. You wouldn't have to prove liability,
because it would have been proven in a criminal
court, correct, or not?
A. You'd have to prove malice, though.
Q. Correct or not, Mr. Feldman?
A. Well, how many times can I go through this
with you?
Q. Are you saying if you get a judgment of
conviction in criminal court for felony child 4533

molestation and you then walk into civil court with civil allegations based on the same facts, you still have to establish liability? Is that what you're saying?
A. Not liability as to that aspect. But for malice, you would still have to prove it.
Q. Okay. All right. Now, what is the statute of limitations for civil fraud?
A. Civil fraud?
Q. Yes.
A. Three years from discovery.
Q. Okay. Were you aware that Attorney William Dickerman wrote letters on behalf of Janet Arvizo to Attorney Mark Geragos alleging fraud?
A. Not sitting here. I thought it was over their belongings, or something, that he wrote letters.
Q. You thought the letters were only about belongings?
A. You know what? I don't know. I'm guessing. Show me the letters and maybe it will refresh my memory. I remember there was letters to Mark Geragos, and that's what was significant to me. What was in them, I can't remember, unless you show me the letters.
Q. Do you recall at some point during your relationship with Prosecutor Sneddon, Mr. Sneddon spoke to the media and said, "If they're going to 4534

sue, I hope they don't do it until after the criminal case is done"?
MR. SNEDDON: I'm going to object to the word "relationship."
THE WITNESS: I don't even remember it happening.
THE COURT: Just a moment.
You're asking him what Mr. Sneddon said, if he --
MR. MESEREAU: If he was aware of it.
THE COURT: That's not how you phrased it.
MR. SNEDDON: No.
THE COURT: I'll sustain the objection.
Q. BY MR. MESEREAU: Mr. Feldman, Prosecutor Sneddon asked you about a technical term in civil litigation called "confession of judgment"?
A. Yes.
Q. Right?
A. Right.
Q. Now, in the civil case where you represented Mr. Chandler and his parents against Mr. Jackson, there was a cross-complaint, was there not?
A. There was?
Q. Mr. Jackson sued for extortion, didn't he?
A. I don't know. I know he claimed -- I know that his investigator, Mr. Pellicano, claimed extortion.
Q. You don't recall? 4535

A. I'm not saying it didn't happen. I just don't recall.
Q. Okay. And typically, in a settlement like the one described by Prosecutor Sneddon, if someone agrees to pay money to the other side, the other side would like the payment of that money secured by what is called a confession of judgment, correct?
A. That's right. When it's paid over time, that's correct.
Q. Okay. And the purpose of a confession of judgment is that if the paying party stops paying, you can run into civil court and obtain what is called a certified judgment so you can then collect on their assets?
A. Correct.
Q. Right?
A. That's right.
Q. And if you didn't have that confession of judgment, your only remedy would be to then file another lawsuit for breach of contract, correct?
A. That's right.
Q. So what Mr. Sneddon was talking to you about was ways that you have to collect money that you're owed in a settlement, true?
A. I don't know what he was talking to me about. He asked me questions, and I answered the best I could. What you've said is true, and that's what I thought I just said. 4536

Q. And typically in a civil settlement, and you've done many of them, obviously, there is a provision in the settlement agreement which says that neither side admits liability, or words to that effect, correct?
A. Generally. Not every one, but generally that's true.
Q. And essentially what that means is neither side admits wrongdoing, correct?
A. Correct.
Q. And the confession of judgment has nothing to do with an admission of wrongdoing or liability?
A. Well, it would have the same impact if you had to file it. It would be a judgment for that amount. I don't know what impact it's going to later be. I've never handled a case where you filed a confession of judgment, and then somebody tried to use that in another case to say you admitted something. I frankly don't know the answer.
Q. It's never used to say someone admitted something. It's simply used to collect the money you're owed, right?
A. Sir, I just told you, I've never researched that issue, and -- so you can't -- you got the wrong person. I've never had someone where I had to go use it.
I didn't have to use it with Mr. Jackson, so I can't tell you the answer. I know it's -- it 4537

1 is -- my concern was the making sure, if the money
2 wasn't paid by Mr. Jackson, we could go into court
3 and start seizing his assets. That didn't happen.
4 He paid. It never happened.
5 Q. Would you agree that in many civil
6 settlements of civil cases, you will have both the
7 provision that says neither side admits wrongdoing
8 or liability as well as a confession of judgment?
9 A. It's rare you get a confession of judgment.
10 It is very -- typical that you get neither party
11 admits wrongdoing in a release. It's typical. You
12 don't need the confession, because you usually
13 exchange the release and the money at the same time.
14 So there isn't that issue.
15 Q. But you need a confession of judgment if you
16 want to secure payments to be made in the future,
17 right?
18 A. That you need. That's right. And that's
19 what we got.
20 Q. And if payments are to be made in the future
21 by any settling party, you would almost be foolish
22 not to have a confession of judgment, correct?
23 A. I don't know. We'll let somebody else worry
24 about who's foolish. We did it. We thought it was
25 the appropriate thing. We demanded it. We got it.
26 Q. Please answer my question, Mr. Feldman.
27 A. I don't know what's foolish for lawyers to
28 do. I mean, I haven't thought about it. It's a 4538

good practice - I did it - to get it. I mean, I demand to get it for my clients. That's all I can tell you.
Q. You demand to get it for your clients because if payments were to stop, you would have a faster way --
A. Sure.
Q. -- to obtain that value than you would if you had to sue for breach of a settlement agreement, right?
A. Yes. That's what I think I'm saying.
Q. And when you have your clients get a confession of judgment in a settlement agreement in a civil case, typically there also is a provision where neither side admits any wrongdoing to each other, right?
A. The settlement agreement will say that, that's correct.
Q. And that's what you had in 1993 in the Chandler case, correct?
A. We had the settlement language that said that, and we had a confession of judgment.
Q. You had settlement language that said neither side admits wrongdoing to the other, and you also had the confession of judgment you just described, true?
A. True.
Q. Now, did I hear you say, in response to the 4539

prosecutor's questions, you stopped representing
Janet Arvizo in the fall of 2003?
A. The first time.
Q. Pardon me?
A. The first time.
Q. That's the first time you stopped?
A. That's the first time I stopped.
Q. Okay. Now, as I look at pleadings filed by
your law firm in this case, I count no less than
four lawyers representing the Arvizos well into
2005, correct?
A. That's why I answered the question the way I
did. I said that's the first time that I terminated
the relationship with Ms. Arvizo.
Q. And in 2005, you have represented the
Arvizos in documents filed in this particular
criminal case, correct?
A. Correct.
Q. A lawyer named Julian Brew from your firm
has also represented the Arvizos in documents filed
in this criminal case in 2005, correct?
A. Well, my law firm, because of me, has done
this for the -- Miss Arvizo, we've done it for her
parents, we've -- and for the newborn baby. I think
those are the three people. But I may be wrong.
Q. Let me rephrase the question.
A. Mr. Brew works for me. I mean, I don't want
to demean him. I mean, he works with me. 4540

Q. Mr. Brew is a lawyer with your law firm, correct?
A. Yes.
Q. He has represented the Arvizos in the year 2005, correct?
A. The law firm has represented her, and he's one of the people, to be technical.
Q. Sir, you work for or your partner with approximately a 600-person law firm, correct?
A. He's one of the lawyers that worked on this case. That's what I said.
Q. That's Julian Brew, correct?
A. Yeah.
Q. A lawyer named Theodore Maya has also worked for the Arvizos in the year 2005 in this case, true?
A. True.
Q. A lawyer named Robert Turner has also worked for the Arvizos --
A. Yes.
Q. -- in this case, correct?
A. Correct.
Q. Those are four lawyers with your 600-plus law firm, true?
A. True.
THE COURT: All right. It's break time.
(Recess taken.)
THE COURT: All right. Go ahead.
MR. MESEREAU: Thank you, Your Honor. 4541

Q. Mr. Feldman, you've testified that you had filed, as a lawyer for the Arvizos, a Notice of Claim against Los Angeles County, correct?
A. Correct.
Q. And the purpose of filing that notice of claim was to preserve the right to sue in the future if you desire to, correct?
A. Correct.
Q. And you told the jury that at this point, in your opinion, Gavin Arvizo and Star Arvizo still have time to file a lawsuit against Los Angeles County, correct?
A. I believe that's right.
Q. The lawsuit you're referring to, if it ever occurred, would be separate and apart, or could be separate and apart from any lawsuit against Mr. Jackson in the future, true?
A. I think it would have to be separate and apart. I don't think you could join the two. But it would be -- I think the simple question is -- the simple answer is yes.
Q. And as we speak, then, those two young men still have a right to sue Mr. Jackson, and they still have a right to sue Los Angeles County in a separate action, true?
A. True.
Q. And by filing your Notice of Claim, you preserved that right for them, true? 4542

A. That's what I did. Against the county.
Q. Against the County of Los Angeles?
A. Yeah. It had nothing to do with Mr.
Jackson.
Q. Okay. Now, you've indicated you know --
excuse me, let me rephrase that.
How long have you known Attorney William
Dickerman?
A. Well, certainly since 2003. He tells me
that he brought a case to me that I rejected, and I
can't tell you when that happened. I sort of
vaguely remember it happening, but I can't place it.
I never met him till he walked into my office. I
think that's the first time I ever saw him.
Q. Did you testify this morning that you have
or had a referral arrangement with him with respect
to the Arvizos?
A. You know, loosely. I think there was an
agreement with the Arvizos that he was a party to.
You need the consent -- under the State Bar rules,
you have to have a client's consent to have -- and
he was in that agreement, and exactly what we said
about him I don't know. But I know he expected, if
there was money, to get money for -- from me, from
her, I don't know where. I can't remember the
details of it, but --
Q. Do you recall him having what is called a
joint legal services agreement with you? 4543

A. Vis-a-vis the Arvizos?
Q. Yes.
A. He could have. I mean, I don't know what he had. He had -- he wanted to be involved if I was going to bring a case. And how those financial terms were worked out with him, I don't know. And what -- he was -- he wanted to be involved with the family, because he said he had this great relationship with the family, so I was there to do the legal work, and it never went anyplace.
Q. He also wanted money, true?
A. He wanted money, I'm sure of that. I'm sure of that.
Q. You had a lot of communications with him after he referred the Arvizos to you, true?
A. Well, we certainly had some. I don't know about "a lot." I certainly had some with him.
Q. There were faxes and letters going back and forth from his office to you for many months after he referred the Arvizos to you, right?
A. Could be. We certainly were trying to get his file and what he had in his file from the time he had the case till the time we were done with it initially.
Q. And just to clarify what you just said, are you saying you're not sure if Attorney William Dickerman had a legal services agreement with you?
A. What do you mean by "a legal services 4544

1 agreement”?
2 Q. Well, let me get --
3 A. That I pay him to do legal services for me?
4 Q. He does legal work with you for the Arvizos.
5 A. I don’t know -- is there something I’m
6 missing about what I’m saying and you’re asking?
7 Q. I don’t think so.
8 A. I thought he wanted to get paid for the work
9 he thought I would let him do in the Arvizo case.
10 If I took the Arvizo case - I don’t want to break
11 his heart - he wasn’t going to do very much work if
12 I was the lawyer on the case, but he wanted to get
13 paid. That’s the point. And how we memorialized
14 that, I don’t remember. It was in the agreement,
15 and she consented to however we memorialized what he
16 would get if there was money to be had.
17 Q. But Prosecutor Sneddon asked you questions
18 about a referral agreement between lawyers, correct?
19 A. He asked me questions about a referral fee,
20 yes.
21 Q. And what you’re describing now is not a
22 simple referral fee arrangement, true?
23 A. Well, I’m describing -- I don’t remember the
24 way this worked. If you showed it to me, I could.
25 But I don’t think it mattered. I was going to be
26 the lead lawyer, and he was -- I guess if we gave
27 him a task to do, he would do it.
28 Q. And just to clarify things, that’s something 4545

different from a strict referral fee arrangement, true?
A. It can or cannot be, frankly. You can do it both ways. I mean, I don't think the form it takes -- I think what's important is that the two lawyers have to decide how they are going to divide fees, and on what basis, and that the -- the most important thing is the client consents to whatever the arrangement is.
Q. And your typical referral fee arrangement involves one lawyer referring a case to another lawyer, and if the lawyer who gets the case makes any money on it, that lawyer gives a percentage to the lawyer that referred the case to him or her, correct?
A. That certainly happens frequently.
Q. That's your typical referral arrangement, isn't it?
A. That was at one time my typical -- are you asking me now personally, or just in general?
Q. Just generally speaking.
A. Generally, I think that is the way lawyers get a case. They send it to somebody else and they get a referral fee, and they don't have to do any work.
Q. Now, in Los Angeles County, you're known as one of the most successful plaintiffs' lawyers, correct? 4546

A. Say it again for the press. I want to --
that's the nicest thing anybody's said about me in
this case.
Q. Is that true?
A. I think so.
Q. You've had numerous multi-million-dollar
awards that you have obtained for your clients,
correct?
A. I have.
Q. You have numerous multi-million-dollar
settlements you've obtained for your clients,
correct?
A. I have.
Q. And in most of those situations, you had
what is called a contingency fee arrangement,
correct?
A. Oh, I'm sure. Yeah. Over the life of my
legal career, that's absolutely right.
Q. And generally speaking, in a contingency fee
arrangement, the plaintiffs' lawyer in these cases,
namely you, get a percentage of whatever is
recovered for the client, true?
A. Yes.
Q. And in a strict contingency fee arrangement,
if the lawyer doesn't obtain any money for the
client, the lawyer might not get paid anything,
correct?
A. Correct. 4547

Q. So there's an incentive for that lawyer to get as big a recovery as possible, because the bigger the recovery for the client, the bigger the fee for the lawyer, correct?
A. That's the theory.
Q. And you have a fairly standard contingency fee arrangement that you've used through the years, correct?
A. I -- I have.
Q. In the Chandler case, the parents, who you've described as divorced, both signed your fee agreement, true?
A. They did. Well, I mean, you're saying that. I -- it looks like you're looking at something. If you tell me -- I hope they did. I don't remember.
Q. Would it refresh your --
A. But it would have been smart on my part to get both of them to sign it.
Q. Would it refresh your recollection if you looked at your fee agreement?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: Is that all of it?
MR. MESEREAU: (Nods head up and down.)
Q. Mr. Feldman, have you had a chance to look at that fee agreement?
A. I have. 4548

Q. Is it true that June Chandler and Evan Chandler signed that agreement?
A. They did.
Q. They retained your services, correct?
A. They did on behalf of their son. I --
Q. Now, to your knowledge, the father had been divorced from the mother since 1986, correct?
A. I don't know the date, but they were -- the parents were divorced. The father was remarried.
Q. The mother remarried also, true?
A. Yeah, I think that is right. Except I think they were separated at the time. The mother was separated from her husband. She could have been divorced, but she did -- I think she remarried.
Q. Now, the father had not only been divorced for a number of years from the mother, he had given up all custody to the mother at that time, true?
MR. SNEDDON: I'm going to object as irrelevant.
MR. MESEREAU: I believe the prosecutor raised these issues, Your Honor.
THE COURT: What's the relevancy?
MR. MESEREAU: Who he's really representing, and what their influence is on the litigation, what their influence is on the settlement and what their motives are, and what example it sets to everyone else.
THE COURT: All right. The objection is 4549

sustained.
Q. BY MR. MESEREAU: You represented both parents on behalf of the minor, Mr. Chandler, correct?
A. My memory is both parents were the guardian ad litems for the minor. I don't remember if -- representing the parents separately and apart in a separate lawsuit against anybody. I -- I think we only had them as guardian ad litems because the young minor can't bring a lawsuit. It has to be done through someone. And originally it was done through the parents and then ultimately through a judge, retired judge became the guardian.
Q. And you had in that particular case ethical obligations to both the parents and the minor in your representation, true?
A. I suspect at some level there was -- I certainly had an attorney-client privilege with them.
Q. Well, without going into the amount of any settlement, isn't it true that both parents wanted money for themselves as well?
A. They didn't want it. The defense wanted them to have it, and they accepted it, because the defendant -- that was the defendant's idea.
Q. Did the parents -- without going into the amounts --
A. Sure. 4550

Q. -- did the parents for Mr. Chandler accept money in the settlement?
A. They did accept money. That's a fair statement.
Q. Okay. That would include a father who didn't even have the legal right to see the child, right?
A. I'm not sure that's right, you know, because he had the child. At that time that I came in the case, the child was living with the father, so you may be right in some -- there may be an order out there, but at the time I came in the case, the father -- the boy lived with his dad and his dad's wife, as I recall.
Q. Okay. Now, at some point -- excuse me, let me rephrase that. The mother's name is June Chandler, correct?
A. Correct. Or at least it was.
Q. Okay. To your knowledge, has it changed?
A. No. But I don't know.
Q. Okay. At some point she married someone named David Schwartz, correct?
A. Sometime she married David Schwartz.
Q. When you were representing June Chandler, she was either married to or living with David Schwartz, true?
A. I'm not sure, you know, what the situation was. I don't think -- their relationship was 4551

strained, I can tell you that --
Q. Okay.
A. -- at that point in time. I have a recollection he wasn't living in the house at the time I met her, but there was still a relationship, because I can picture him in my office with her, with Evan Chandler, and with Evan Chandler's wife, and Jordie.
Q. Now, at some point when it became clear that you were seeking money from Mr. Jackson, David Schwartz then filed his own suit against Mr. Jackson, right?
A. I think that's right. I think he did. I don't know when that happened, but now that you mentioned -- not by me. I wasn't -- somebody else.
Q. And you were in communication with that attorney representing David Schwartz, correct?
A. Who was the lawyer? I don't remember. Who was the lawyer in that --
Q. I'm questioning you. So I'm just asking you.
A. Oh, you don't want to answer my questions. It's not so much fun. Okay.
Q. Do you recall that June Chandler's ex-husband then tried to sue Michael Jackson as well?
A. I wouldn't have remembered it, but now that you've said it, I kind of remember that he did. 4552

1 And I almost remember the name of the lawyer who had
2 it, because he was a guy I used to litigate against.
3 But I may be wrong.
4 Q. In response to Prosecutor Sneddon's
5 questions, you indicated that the case was referred
6 to you by a lawyer for the Chandler family, correct?
7 MR. SNEDDON: I'm going to object, Your
8 Honor.
9 THE WITNESS: No.
10 MR. SNEDDON: It's vague as to what case.
11 MR. MESEREAU: Let me rephrase it. If it's
12 vague, I'll rephrase.
13 THE COURT: All right.
14 Q. BY MR. MESEREAU: Regarding your
15 representation of Mr. Chandler, Mrs. Chandler, and
16 their son, did you say, in response to the
17 prosecutor's questions, that that case was referred
18 to you by another lawyer for the family?
19 A. What I want to correct is, if you take the
20 "family" part out of it, I can answer it. Yes, it
21 was referred to me by a lawyer, but that lawyer who
22 referred it to me wasn't representing the family,
23 per se.
24 Q. Was representing the father?
25 A. He was representing the father.
26 Q. His name was Barry Rothman, correct?
27 A. No, no, no, no. No.
28 Q. Who referred the case to you? 4553

A. The guy that referred to me was a criminal defense lawyer, who was Bob Shapiro, who was defending the father where these -- long before I ever got in the case, there was these charges of extortion going back and forth between the father and the Jackson camp, and it was long before I got in the case.
In that case there was a criminal defense lawyer representing the father, and that criminal defense lawyer brought the family to me. But he was only representing the father, and he was only representing him criminally.
Q. Okay. Now, and Robert Shapiro, of course, is the Robert Shapiro who defended O.J. Simpson, correct?
A. That's correct.
Q. He was defending the father against claims that the father had tried to extort money from Mr. Jackson, correct?
A. Time out. I think that's wrong. Let me go back. He may have been the lawyer not for the father, but for -- now I got -- I think he represented Rothman, the lawyer, the lawyer who was in the case before I ever got in the case. I think he, too, was accused of extortion by someone on the Jackson side.
Q. Okay.
A. And I think he -- one of them -- and I think 4554

Richard Hirsch, who was also a criminal defense lawyer, represented the father, or -- that's what I think really happened. But somehow Shapiro and Richard Hirsch, who are two criminal defense lawyers, advised the family that they had the wrong civil lawyer and they should come see me. And that's basically how I got there.

Q. They advised the family that Gloria Allred was the wrong lawyer and they should come to you, correct?

A. That's what I understand.

Q. Okay. Now, there was a lawyer named Barry Rothman involved, correct?

A. Before Gloria Allred.

Q. And Barry Rothman represented the father, true?

A. Well, that's a good question, who he represented. I thought he -- he represented probably the father and Jordie, I suspect. I mean, it's unclear to me, that whole deal.

Q. And Rothman is a lawyer that was accused of extortion by people associated with Mr. Jackson as well, correct?

A. I think both Rothman and Jackson -- I mean, "Rothman and Jackson," I'm sorry. Rothman and Evan Chandler were accused of extortion by the Jackson side. I don't know who on the Jackson side. 4555

Q. And Attorney Barry Rothman has since been disbarred, correct?
A. I don't know. Has he?
Q. Yes.
A. I didn't know him before, I don't know him now. And if he is, he is. I don't know.
Q. So you don't know him at all?
A. I don't know Barry Rothman.
Q. You had various meetings with him during this litigation, did you not?
A. No.
MR. SNEDDON: I'm going to object as immaterial and irrelevant.
THE COURT: Sustained.
THE WITNESS: No, I -- well, it -- oh, it was sustained, so....
Q. BY MR. MESEREAU: You typically enter into a contingency fee agreement at the beginning of your relationship with the client, correct?
A. At the early stages, yes.
Q. And the obvious purpose of that is, before you want to do any work, you want to make sure you're going to get paid if certain things happen, correct?
A. Yes.
Q. And before I go any further, you talked about people you have represented in your practice. You've also represented oil companies in recent 4556

years, correct?
A. Yes.
Q. You've defended oil companies accused by the State of California of overcharging consumers, correct?
A. Yes.
Q. And you've represented them quite successfully, haven't you?
A. Well, that was one I represented, and it was a very successful --
Q. It was a long trial, true?
A. It was a long trial.
Q. Okay.
A. First time and only time in my life that I ever did anything like that.
Q. Okay. And what year was that?
A. Let's see. I defended them -- is this important? I mean, I can't remember. Let's see, I have enough trouble remembering who I'm representing today.
Let's see, I represented them, I want to say late -- let's see. Somewhere around late '90s, 2000. I mean, it could have been -- it's one way or the other. I can't -- I was called in just to try the lawsuit. And the case had been going on for like 20 years, believe it or not, and -- and so I just -- I can't give it -- if it's important, I could figure it out, but it's somewhere then. 4557

Q. Somewhere where?
A. Somewhere 1999, 2000, 2001. 1998. It --
you know, a few years ago this happened.
Q. Now, in the 1993 case, you retained Stanley
Katz, correct?
A. Yes.
Q. When had you first met Stanley Katz?
A. 1987.
Q. And that was in relation to a civil lawsuit?
A. No. I represented -- in fact, my wife
really represented -- and she wasn't my wife then.
But I got called in to represent the -- a former
grandson of the President of the United States who
was being accused of physical abuse, him and his
wife. And I knew nothing about that kind of a
field, never done anything like that, but
ultimately, I did it.
And Stanley Katz, who I never knew of or
heard of, was an expert on the case. And if you ask
me what -- I don't even remember what he testified
to, but he did testify. And it was a case downtown
in the criminal courts building.
Q. So this was a case where two adults were
accused of abusing a child?
A. Yeah, by the Department of Children
Services.
Q. And you and -- excuse me. You defended
the -- 4558

A. I defended --
Q. -- the parents, true?
A. The parents, yes.
Q. And you did it successfully, correct?
A. I did it successfully.
Q. Stanley Katz was an expert for you --
A. He was.
Q. -- right? So Stanley Katz knew that in this particular case, adults were falsely charged with sexual assault, correct?
A. No. Well, charged by the government, not by the kid. The kids -- there was a baby, it was one-year-old. He wasn't accusing anybody of doing anything. This was the county. The kid was abused, there was no issue, Mr. Mesereau. The child was abused. The question is, did the maid abuse the child or did these parents abuse the child? And in my view and in the Court's view, the maid did it, and we proved it.
Q. But just to get it in the record --
A. Yeah.
Q. -- you, with the assistance of Stanley Katz, defended two adults against false claims of abuse, correct?
A. By the government, yes.
Q. Okay.
A. And I do remember what he sort of testified to, if it's important to you. 4559

Q. When were these false claims by the government initially filed; do you know?
A. Yeah. I assume it's 1987, because that's when I did it.
Q. How long were you involved in that case with Stanley Katz?
A. Well, Stanley Katz testified. He was on the stand and got off the stand. But, I mean, the case was ongoing. And I think we tried it -- took like five days or so to try it, six days. And that was it.
Q. And was that tried in front of a judge or a jury?
A. Judge.
Q. Was that in the administrative courts or the criminal courts?
A. It was in the criminal court building. A regular judge.
Q. Was it a criminal case where a jury was waived?
A. No, it was a dependency case. They were trying to take the children -- the child away from these parents who had adopted this child.
Q. And it was just solely a judge who decided the government's claims of abuse were false against your clients, right?
A. That's correct.
Q. All right. Now, at some point you call 4560

Lieutenant Klapakis in this case, correct?
A. I called him or he called me.
Q. Okay. Do you know about when that was?
A. Yeah. About. I mean, it was in -- I'm going to say around June of '03. I think he must have called me. I don't think I would have called him. I never heard of him.
Q. It was approximately June 13th, 2003, correct?
A. I wouldn't disagree with that. I don't have an independent recollection of the day, but I wouldn't disagree about the time frame.
Q. Would it refresh your recollection if I just show you a police report?
A. If you tell me -- unless that day is critical to you, I'll look at it. I don't know, is it a police report of what he says about me?
Q. Yes.
A. I don't know. It's up to you. It's your show. I don't remember the precise day. I'd accept it's about that time. If you told me it was the 14th, I'd believe you. And if you told me it was the 12th, I'd believe you.
Q. Would it refresh your recollection if I --
A. You got to show me. I know that trick. Show me the document and I'll tell you if it refreshes my recollection. How do I know unless you show it? 4561

It doesn’t refresh my memory.
Q. Have you had a chance to look at the report?
A. I have.
Q. Does it refresh your recollection about the day that you spoke to Lieutenant Klapakis?
A. I know I spoke to him. It doesn’t refresh my recollection about the date. But as I said, I can’t argue with that date.
Q. Had you spoken with Lieutenant Klapakis before that date, to your knowledge?
A. You know, not by name. I mean, I don’t know the person, to my knowledge. But I wouldn’t know him if he’s in this courtroom.
Q. Have you met with anyone representing the government to discuss your testimony in this case?
A. In a loose way. When you say -- I mean, the government interviewed me about my testimony.
Q. When did anyone with the government last interview you about your testimony?
A. I guess yesterday.
Q. And who was in the meeting?
A. Mr. Sneddon.
Q. Anyone else?
A. No.
Q. How long was the meeting?
A. Besides locking myself up in his office and having to set the alarm because I couldn’t get out because it was after hours. If you don’t count that 4562

time, it was probably an hour and a half, maybe two hours, somewhere in that range.
Q. Was Mr. Sneddon alone?
A. Yeah, I thought I said that.
Q. There was no sheriff present?
A. No.
Q. No other prosecutor present?
A. No.
Q. Okay. So you and Mr. Sneddon, for an hour and a half yesterday, discussed your testimony, right?
A. Yes.
Q. Were you shown any documents by Mr. Sneddon to help you prepare for your testimony?
A. No.
Q. At any time did any representative of the government send you documents to review to prepare you for your testimony?
A. They -- take out the prepare me for my -- they did send me my grand jury transcript.
Q. And did you review that?
A. Yes.
Q. Okay. When did you review it?
A. Within the last week or ten days. Two weeks. Something like that. I mean, at some point when I got it, I read it.
Q. When did you last talk to Stanley Katz?
A. He called me when he left here from 4563

testifying on the way home.
Q. Did you talk to him before that?
A. He called me while he was waiting up --
well, I don't know where he was waiting, but he was
waiting to testify, and he called me. Or I think he
called me. He called me -- Dickerman called me and
he had a cell phone. They were both in some room
together. And I said, "Is Katz with you?" And he
said, "Yes." And he had previously called me, and
so I returned his call after I got done talking to
Dickerman.
Q. Let me just get this straight. You talked
to Mr. Katz?
A. Doctor. Doctor.
Q. You talked to Dr. Katz after he testified
here, right?
A. After he testified, he called me on the way
back to L.A.
Q. You talked to him as he was waiting to
testify, correct?
A. I talked to him while he was waiting to
testify.
Q. You talked to Mr. Dickerman as he was
waiting to testify, correct?
A. I talked to Mr. Dickerman while he was
waiting to testify.
Q. Did you talk to Mr. Katz before he came here
to testify? 4564

A. Yes.
Q. When was that?
A. I can't tell you the day. I can tell you that he called me and wanted to come to my office and meet with me.
Q. Did you --
A. I can't remember when it was. It was sometime during the -- this trial. I can't picture exactly when it was.
Q. Did you talk to Mr. Dickerman before he came here to testify?
A. No, I don't think so. You don't mean ever. You mean -- I mean, I talked to Dickerman a lot at one point, and then we really haven't had contact. And then we had contact that day, the day while he was here, and that's about it, that I remember. I mean, I can't swear we didn't have a minute conversation at some point.
Q. So Stanley Katz wanted to come to your office to talk about this case?
A. Yes.
Q. And approximately when did he make that request?
A. Within the last couple of weeks. Maybe a month. It's between two weeks and a month.
Q. To your knowledge, has Stanley Katz ever met with Bill Dickerman, other than the fact they were in the same room waiting to testify and both spoke 4565

to you on the phone at essentially the same time?
A. Well, Katz came to see me to tell me that he --
Q. I'm not asking you what he said. Just --
A. No, let me just -- let me think to myself. When he came to visit me after the first meeting he had with the family -- I think he had two meetings with the family, but I won't even swear to that. But I think he did. But -- and maybe he had more. But in between one of these meetings that he had with the family where he was interviewing, he came to see me, Dr. Katz, and it is possible that Dickerman was in that meeting. It is possible he wasn't in that meeting. I don't know. And that would be the only time that I can think of that they possibly could have been together.
Q. When did that meeting occur?
A. Do you mean the day?
Q. Not the specific day. Just roughly.
A. That meeting happened -- if I knew the day I went to the Department of Children Services, which has got to be -- if you tell me that this lieutenant called me on the 13th, I would guess I went to Children Services around the 12th of June. 11th, 12th of June. So that would mean that that meeting happened before then, and after, say, June 1st. So, in that time frame.
Q. Is it your understanding that other than 4566

interviewing members of the Arvizo family, Dr. Katz did not pursue any other independent investigation?
A. That's all -- that's all I know he did.
Q. Okay. To your knowledge, are you related to anyone who has referred patients to Dr. Katz?
A. Not that I know of.
Q. Okay. You don't know of any --
A. That referred patients to Dr. Katz?
Q. Anyone who you are related to by marriage that referred patients to Dr. Katz.
A. Oh, my wife. I'm married to my wife, and I think she used Dr. Katz. She headed up a law firm that defended children, and represented tens of thousands of children, and I think they, from time to time, might have used Dr. Katz. I don't know if she did or didn't. I mean, she certainly --
Q. But you think she did?
A. Yeah. I mean, I know at times in her life she did. She's the one that introduced me to Dr. Katz in 1987, so she was a fan of Dr. Katz.
Q. And it was your understanding they had some kind of business relationship, but you don't know what it is, right?
A. My wife and Dr. Katz? Well, they didn't have a business relationship. She would refer clients. She defended people accused of abuse. She represented children against their parents when parents were abusing them. And she headed up a 4567

public interest law firm, and she would use Dr. Katz, and --
Q. Okay.
A. -- hopefully it was totally business.
(Laughter.)
Q. Did you ever learn that Dr. Katz was secretly recorded by the Santa Barbara Sheriff's Department in a phone conversation?
A. Yes.
Q. How did you learn about that?
A. He told me.
Q. Did he tell you that on a number of occasions he referred to "the lawsuit" in discussing the Arvizos?
MR. SNEDDON: This is hearsay, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: Did he --
THE COURT: Do you want the question read back?
THE WITNESS: I just got to ask him, did he tell me what about that?
Q. BY MR. MESEREAU: That in that secretly recorded conversation with a sheriff's representative, he, on a number of occasions in discussing the Arvizos, referred to "the lawsuit"?
A. Did he tell the sheriff that, or did he tell the Arvizos that? 4568

Q. The sheriffs that.
A. Oh. I don't know.
Q. You don't know about that?
A. I don't know one way or the other about that.
Q. But he told you he was secretly recorded, right?
A. He told me that he was secretly recorded by the sheriffs, yes.
Q. All right. To your knowledge, have you ever been secretly recorded in this case?
A. I hope not.
THE COURT: You need to speak closer to the microphone.
THE WITNESS: I hope not. I don't know of any recordings, no.
Q. BY MR. MESEREAU: Do you have any knowledge, other than what Mr. Katz told you, about the sheriffs secretly recording people in phone conversations in this investigation?
A. No, I really don't. I just know he said he was recorded. I know it was secret. He didn't know about it, so I guess it was a secret from him.
Q. How long, in your mind, did you represent the Arvizos?
A. Boy, that's the toughest question you've asked. I can tell you I represented them from May to the time I referred it to the police, or referred 4569

it to Mr. Sneddon and the police took over. And I had no contact, the best that I can recall, with the Arvizos, and that ultimately culminated in a letter from me to them terminating my relationship with them. I didn't want any responsibility. I didn't -- and I didn't talk to them again until after the news hit of the search of Neverland and the pending arrest of Mr. Jackson. And it was sometime after that that I heard from them again. But up -- so from my perspective, I terminated our relationship legally, as a lawyer should do, in writing, telling them they could do what they want, "But don't look to me to represent you."

Q. And if you chose to in the future, Mr. Feldman, nothing would prevent you from representing them again, correct?

A. If I wanted to?

Q. Yes.

A. If I wanted to, nothing.

Q. Now, have you represented Mr. Jay Jackson in your legal work?

A. Well, only to the extent as I -- he has talked to me about issues of you guys trying to get into --

Q. Objection. I'm not asking you what he's talked to you about. I'm just asking, have you represented Jay 4570

Jackson as a lawyer?
A. Well, when you say “represented,” he has called me in my capacity as a lawyer, and I have given him advice as a lawyer.
Q. And approximately when did you give Jay Jackson advice as a lawyer?
A. Well, I don’t know. Let’s see. After they got married, which I don’t remember when, but it was after they got married. And it was -- you would know better. It was in connection with a search warrant. Or, not a search warrant. A subpoena you served on his military records, and that’s the only time that I think I can remember talking to him.
Q. Well, you certainly were advising him as a lawyer as of approximately November 15th, 2004, correct?
A. I don’t know the date. I just --
Q. Well, your firm, in a legal proceeding in this case, took the position that a fax from Jay Jackson to you dated November 15th, 2004, was confidential, right?
A. If Jay Jackson communicates with me, it’s in the attorney-client. That’s what I said. And everything he told me is privileged, just like any other lawyer.
Q. Do you know whether or not your law firm has taken a position in this case that a fax from Jay Jackson to you of November 15th, 2004, is 4571

confidential and privileged?
A. Well, I hope so, since it is.
MR. SNEDDON: Your Honor, I'm going to object.
THE COURT: Sustained. You're not allowed to go into attorney-client privilege without my permission.
MR. MESEREAU: I'm not going into it, Your Honor. Just their position.
THE COURT: Well, even claiming the privilege is improper, to raise it in front of the jury. We've gone over this before.
Q. BY MR. MESEREAU: You have represented the parents of Janet Arvizo in this case, correct?
A. Her parents.
Q. Yes.
A. Yes.
Q. You represented them in an attempt to prevent us from seeing if she deposited money into her parents' account, true?
A. I prevented you from getting into their -- these parents' bank records.
Q. Correct.
A. That's right.
Q. And in doing that, sir, you tried to prevent us from seeing, if Janet got checks or David Arvizo got checks, whether they deposited them into her parents' account? 4572

A. No, Mr. Mesereau, I prevented you from dragging in these poor parents, who don't even speak English, into this melee.
Q. Do you know --
A. That's all I tried to do. I don't know anything about Janet doing anything. I'm only telling you -- you asked me what I did. That's what I tried to do is prevent them from getting dragged in. If you look at your subpoena, it's pretty broad.
Q. Sir, you can't prevent the parents from being subpoenaed as witnesses in this case, can you?
A. No.
Q. And you haven't even tried to do that.
A. And I wouldn't.
Q. The only thing you tried to do was stop us from seeing whether Janet put money into her parents' account?
MR. SNEDDON: I object as argumentative.
THE WITNESS: That's not true.
THE COURT: Just a minute.
There's a lot of law and motion in this case that took place outside the presence of the jury, and there's various legal reasons why things were done, and I did them. And it's improper for you to be attacking a witness on that issue.
MR. MESEREAU: Yes, Your Honor. I will -- I withdraw the question. 4573

May I just ask about the scope of his representation, just when he did it, when he represented the parents? Not scope, Your Honor. The dates of it.

THE COURT: I'm not sure if that's a privileged matter or not. That's why I'm concerned.

MR. MESEREAU: It would have to do with statements he's made before, Your Honor, about representing the Arvizos. I'm just trying to find out roughly when he represented the parents.

THE COURT: No. I don't see any relevancy.

MR. MESEREAU: Okay. Your Honor, may I ask if he still does?

THE COURT: No. I don't see any relevance to --

MR. MESEREAU: Okay.

THE COURT: -- to people he represents, when he represented them. If I'm missing something, you can approach the bench. I'm, you know, trying to see from this standpoint what the relevancy could be, but I can't see it.

MR. MESEREAU: May I approach, Your Honor?

THE COURT: (To the jury) Okay. You can talk.

(Discussion held off the record at sidebar.)

THE COURT: All right. After reviewing with Mr. Mesereau his reason, I'm going to allow a question that I didn't a moment ago. 4574

You may ask it.
Q. BY MR. MESEREAU: Mr. Feldman, during what approximate period of time did you represent the parents of Janet Arvizo in this case?
A. I can't give you the date. The event was when they were served with a subpoena, their bank got served with a subpoena to get all of their checks and all of their financial records. And whenever you served that subpoena, that is when I represented them.
Q. Do you currently, as far as you're concerned, represent either of the parents of Janet Arvizo?
A. I do not represent either of the parents of Janet Arvizo, as far as I'm concerned.
Q. Would it refresh your recollection if I just show you a pleading just so you can identify a time that you were representing the parents?
A. Sure. Yeah.
MR. MESEREAU: Would that be all right, Your Honor?
THE COURT: Yes.
MR. MESEREAU: May I approach?
THE COURT: Yes.
MR. MESEREAU: Thank you.
Q. Mr. Feldman, have you had a chance to review that document?
A. Yes. Yes. 4575

Q. And does it refresh your recollection about the period of time during which you represented David and Maria Ventura, the parents of Janet?
A. Approximately.
Q. And approximately what was the period during which you represented and your firm represented David and Maria Ventura?
A. Approximately the end of December of 2004 to January 2005. Three, four weeks.
Q. That would be till approximately what, January 14th?
A. I thought that's the date of the hearing that we had, yes.
Q. Okay. And after that hearing, did your representation cease as far as you're concerned?
A. Yes. It was just for that limited purpose on that subpoena.
Q. Okay. How many meetings do you think you've had with Mr. Sneddon about this criminal case?
A. And I'm going to interpret "meetings" face to face. Is that what we're talking about?
Q. Let's start with that.
A. I would say three, four, maybe five at the most, including yesterday.
Q. And how many times do you think you've spoken on the telephone with Prosecutor Sneddon about this criminal case?
A. Well, I don't know. Maybe -- at least two 4576

or three times I've been scheduled to come, and he's called me to tell me I'm not coming. So that's three.
We haven't had a lot of phone calls. I can't -- frankly, I called him when I called him to say, "Here's the case. Do what you want with it."
And maybe -- I don't know. You know, five, six. Something. Not a lot. I mean, I don't know, something like that.
Q. How many times do you think you met with Mr. Sneddon regarding your representation of Mr. Chandler in 1993?
A. I don't know if I ever met with him in '93. With Mr. Sneddon?
Q. Yes.
A. '93 I was on my own, without -- I was handling --
Q. You certainly spoke to him.
A. I was handling the case. I'm sure I spoke with him, but I don't think I ever met with him. Maybe I did. I could have. I just can't remember, Mr. Mesereau. It's so long ago. I mean, that's 12 years ago. I just don't -- I just don't have an independent memory of whether I did or didn't. Because the case was also in L.A., and, you know, I was dealing with the L.A. lawyers, criminal lawyers.
Q. Would it be accurate to say that you at least talked to Mr. Sneddon a number of times in 4577

1993 about your representation of Mr. Chandler?
A. You know, not Mr. -- “Mr. Chandler” now is little Jordie, who’s now a Mister, or is it his father we’re talking about? When you say “Mr. Chandler,” Jordie? Who are we talking about?
Q. Any of them.
A. You know, I don’t think -- it could have happened. I can’t deny it. I just have no recollection of it one way or the other. I don’t remember having many -- any real discussions with Mr. Sneddon on the case.
Q. Do you remember meeting with any other prosecutor besides Mr. Sneddon at any time regarding this current case?
A. Yes.
Q. And who would that be?
A. Mr. Zonen.
Q. How many times do you think you’ve met with Mr. Zonen about this case?
A. A couple maybe. Maybe. I don’t remember. You know, I can remember one. I’ve seen him, though. I mean, this isn’t just the second time I’ve seen him, so it must have been more, but I just -- nothing stands out in my mind about meeting with him.
Q. Have you had phone conversations with Prosecutor Zonen about this case?
A. Yes. 4578

Q. Approximately how many do you think?
A. A few.
Q. Have you had any other meetings with any other prosecutor on this case besides Prosecutor Sneddon and Prosecutor Zonen?
A. Some prosecutor that -- my records got subpoenaed to the court, and somebody -- some prosecutor, said he was a prosecutor, called me about it, whether I had filed the documents or didn't file the documents. I mean, I can remember that kind of stuff.
Q. Have you had any meetings with representatives of the sheriff's department involving this case?
A. I'll answer that in a second. I just want to go back to something that just --
Q. Sure.
A. There was a real issue in this case before it ever got to trial. I didn't want to do anything, and there was an issue -- so I do think I talked to Mr. Zonen more about, "Why don't you do the objecting and leave me out of this. My law firm doesn't want to do this, I don't want to do this," and he couldn't represent the victims, so that's how I -- so before I ever acted, I wanted the D.A. to do all the legal work. Not me.
Q. I understand. And that saved you a lot of money, correct? 4579

A. Pardon me?
Q. That could save you a lot of money in the future?
A. It would save me lot of aggravation and energy, I could tell you that. Not “in the future.” Period. I didn’t want to do it. I’m not representing these people, so -- but, you know, so I would talk to Mr. Zonen. I want to just amend that, because I would talk to him, and he would say he can’t do that, and I’d wind up either doing it or not doing it. So there were those kind of conversations.
Now, back to the sheriffs. Who did I talk to? This lieutenant, I guess, called me. I talked to him. When I went to the grand jury, there was somebody who, you know, brought me up here on the freeway and drove me up here to -- or I followed through some parking lot to get to where the secret grand jury was, so somebody talked to me while I was sitting around waiting, those kind of things.
But no sheriff has ever interviewed me. No police officer, to my knowledge, has ever come down and interviewed me or anything.
Q. How many meetings with any representative of the sheriff’s department do you think you’ve had in this case?
A. Meetings other than getting me here, logistics kind of things? 4580

Q. Sure.
A. None, I don't think.
Q. You've never been interviewed by any sheriffs in this case?
A. If I was, I don't remember it.
Q. How many phone conversations do you think you've had with any sheriff in this case?
A. I mean, I don't know who are the sheriffs and who are the police.
Q. How about the name "Klapakis"?
A. Well, he -- obviously you showed me something that says he called me. But in deference to the lieutenant, I wouldn't have remembered that. But you did show me that, so he obviously called me. But that's about it. I don't --
They -- the police cut me out of this case the minute I gave it to them. They -- in fact, that's why we severed our relationship. I severed the relationship. I was out of this.
Q. Do you remember you were interviewed on January 16th, 2004, on the NBC Today Show by Matt Lauer?
A. I went on The Today Show and Matt Lauer interviewed me.
Q. Do you remember that?
A. And if -- that's right before the gag order was issued. I don't remember the date that the gag order was issued, but it was right about that time. 4581

Q. Remember you were asked by Mr. Lauer if you were going to join Mr. Sneddon on the prosecution team, and you said, “I have no comment”?
A. I did. I did.
Q. Other than your grand jury transcripts, have you reviewed any other documents to prepare for your testimony today?
A. No.
Q. Now, you have represented Gavin Arvizo in other proceedings in Los Angeles other than what you have identified, correct?
A. I have?
Q. Yes.
A. Gavin Arvizo?
Q. Yes.
A. What is that? No.
Q. Have you ever represented Gavin Arvizo in an attempt to stop his juvenile records from being produced?
A. No. I mean, I wrote a letter, I think. No, not on Gavin. Not that I know of. I didn’t even know he had a juvenile record.
Q. Well, my question is, have you or your firm ever written to Judge Nash in Los Angeles?
A. Oh, that’s a different story. That’s not his juvenile records.
Q. Why don’t you explain.
A. That’s his Department of Children’s Services 4582

records. Yes. I wrote to Judge Nash, who heads up that department, and said that those records should remain confidential, because they are confidential under the law. And that children ought to be able to go to the Department of Children's Services and tell whatever they want to tell and it ought not be used in any public forum.
Q. When did you represent --
A. Whenever somebody was trying to get them.
Q. And over what period of time was this, do you think?
A. How long you were trying to get them?
Q. I'm just asking -- let me rephrase the question. Over what period of time do you think you represented any of the Arvizo children in that particular area?
A. From the moment I found out the -- Judge Nash wrote to me and said they were trying to get -- I don't want to get this confused, because also my recollection is they were trying to get Jordie's records.
And I got a letter from Judge Nash. I didn't solicit it. He wrote to me and wanted to know whether or not on behalf of these children, it was either you -- maybe it was the press. I don't remember who wanted to get these records. Somebody wanted to get these confidential records.
And I wrote on behalf of Jordie and I wrote 4583

on behalf of Arvizos probably, that we did object. We -- that's what we did. We didn't have a hearing or anything. But, I mean --
Q. You also wrote on behalf of Gavin, Star, and Davellin to prevent release of juvenile court records, true?
A. Do you mean criminal records, like juvenile criminal?
Q. Juvenile court records. Yes or no, sir?
A. Well, I don't know what you mean by it, so I can't answer it yes or no. I just told you what I remember. It was the Department of Children's Services. I don't even know that Gavin had -- I mean, I can't help you, because --
MR. SNEDDON: Unless counsel is going to produce something to show in good faith that he's asking that question, I object to the question and ask that the question and the answer be stricken.
MR. MESEREAU: I have some correspondence that I was going to try to refresh the recollection of the witness, Your Honor.
But I can move on, if the Court wants me.
THE COURT: The question's ambiguous, since the juvenile court covers several jurisdictions.
MR. SNEDDON: Does that mean my motion is granted, then, Your Honor, to strike?
THE COURT: Strike his answer?
MR. SNEDDON: Yes, sir. 4584

THE COURT: No.
Go ahead. Next question.
Q. BY MR. MESEREAU: Mr. Feldman, have you represented Gavin, Star and Davellin Arvizo in proceedings in the Juvenile Division of the Superior Court of Los Angeles when representatives of the media tried to obtain any juvenile court records they might have?
A. Well, you keep saying -- I don't know that they have any criminal juvenile court. That's what I think about the juvenile court, as a criminal court for juveniles. I -- to my knowledge, I never heard of this, to this second, that there was -- I did represent them in the Department -- in the dependency court in the County of Los Angeles. And in that, I objected to the media, to you, or anyone else, ever seeing those records. Yes. They're supposed to be confidential. Now, I don't know what happened.
Q. Now, would it refresh your recollection on this issue if I show you a letter to you from the Superior Court, Juvenile Division, Los Angeles?
A. Yes. Judge Nash?
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: I don't know if it will refresh my recollection, but I'll try.
Yeah, but it's -- no, let me see. Let me 4585

see.
Yeah, yeah. I'm right. It's just what I told you. Judge Nash is the supervising judge --
Q. BY MR. MESEREAU: Mr. Feldman, let me just -- please.
A. Oh.
Q. Have you had a chance to look at that letter?
A. I have. I have. And it's exactly what I've said.
Q. Is it a letter to you of February 5th, 2004 --
A. I didn't look at the date.
Q. -- Re In the Matter of Gavin, Star, and Davellin Arvizo," from Terry Tran, Research Attorney, from the Office of the Presiding Judge --
MR. SNEDDON: Your Honor, I'm going to object to counsel reading this. The question is does it refresh his recollection.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Have you had a chance to review the letter?
A. I have.
Q. Does it refresh your recollection about whether or not you represented the Arvizo children on that issue?
MR. SNEDDON: Object as vague.
THE WITNESS: What's -- 4586

THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. Feldman, does that letter refresh your recollection about whether or not you ever represented Gavin, Star or Davellin Arvizo on the issue of whether or not any juvenile records should be disclosed from the L.A. Superior Court?
A. Sir, I am going to tell you that does refresh my recollection, and it says exactly what I just told you. The news media was trying to get their records from dependency court. Judge Nash is the head of the whole juvenile system for Los Angeles at that time. He was the presiding judge. He asked me if I objected, and I did object, and I do object, and I will always object for these child dependency records to ever leave that courthouse, because children are supposed to be able to go there and be protected, not have to worry about the media or you, or anybody else attacking those children.
Q. You did represent them on that issue, true?
A. That's true.
Q. Thank you.
Do you know how long you represented the Arvizo children on that issue?
A. Oh, you know, I got a lot of letters on that. It wasn't just one. So you showed me one. What was the date? You said February '05? But if you asked me, I would have said I got one before 4587

that, frankly.
Q. February 5th, 2004.
A. Oh, '04. That would be more likely.
And over the period of time -- I mean, I know Judge Nash, and so over time I think they had written me letters, like I said, on behalf of the Arvizos and on behalf of the Chandlers asking for whether we objected to him releasing it to the media. I think there's a procedure that they have to do that. But I may be wrong on that. This is not my field.
Q. You told the jury that at some point you personally contacted the Los Angeles Department of Children & Family Services regarding this particular matter, correct?
A. Yes.
Q. And you did that with Stanley Katz, correct?
A. Yes.
Q. To your knowledge, was Mr. Dickerman involved in that approach?
A. Did Dickerman go with us, was that the -- I don't know what you mean.
Q. We'll start with that. Did Dickerman go with you?
A. No, he did not.
Q. Did Dickerman discuss it with you?
A. I am sure that -- I mean, I didn't just do this, because when you do this, there could be 4588

serious ramifications for the family.
Q. I'm just asking you, sir, to answer the question.
A. Well, I'm trying to remember.
Q. Did Mr. Dickerman participate with you in any event?
A. He didn't go with me, I can tell you that. Whether or not I ever discussed it with him, I thought --
Q. Pardon me?
A. I mean, that's hard to remember. I certainly should have. I mean, in the normal course, I should have told him that this was what I was going to do, and this is what I thought might or possibly could happen. I mean, because I had to tell the parents what was happening, or the mother.
Q. Do you have any knowledge of the case Janet filed against J.C. Penney?
A. Just what I read.
Q. Have you ever been in contact with any lawyers for Janet Arvizo who represented her in the J.C. Penney matter?
A. Well, when you say "contact," yeah, I tried to --
MR. SNEDDON: Excuse me, I'm going to object as immaterial.
THE COURT: Just a minute.
Sustained. 4589

Q. BY MR. MESEREAU: Do you remember ever meeting someone named Jamie Masada in your office?
A. I remember Mr. Masada coming to my office for the first meeting and me not letting him in my office. That's --
Q. Did he remain in the lobby, to your knowledge?
A. He did. I wouldn't let him in.
Q. Was it your understanding that he had transported the Arvizos to your office?
A. I don't know how they got to my office, but he was there with Mr. Dickerman, and I wasn't letting him in.
Q. You weren't letting him in because it could affect the attorney-client privilege, right?
A. That's right.
Q. Explain that, if the members of the jury don't know, what you meant.
A. Sure.
Q. Why don't you explain that.
A. Give me break, huh?
The privilege is sacrosanct. If you tell me something as a lawyer, I can never tell anybody what you've told me. If I have a third party in that room with me, then that privilege, there is no privilege. It no longer remains confidential. So good lawyers will never let somebody other than the client in their office to talk to them because you 4590

lose the privilege if they want to tell you something.
The exception to that, sort of, is with children, because children have to act through a guardian, so you'd have their parents in with you.
But generally that's what it is.
Mr. Masada wanted to, because I think he was a friend of theirs is what I gathered at the time, wanted to be there to give them moral support or whatever, and it wasn't going to happen on my watch.
And I said that he could not come in, and he accepted that, and I guess he sat out there. I can't frankly -- I don't remember Mr. Masada, other than that.
Q. All right. Have you talked to him on the phone at any time?
A. Masada?
Q. Yes.
A. Not that I know of. I don't think I did.
Q. Okay. Was it your understanding he was a friend of the Arvizos when you met him?
A. You know, I didn't know if he was a friend of theirs, or a friend of Dickerman's, or a friend of both. I frankly didn't quite get where he fit in all this at that point. I knew he was a friend of Dickerman's, and I just couldn't -- I didn't know really.
Q. Okay. Who contacted you about testifying 4591

before the grand jury?
A. I guess Mr. Sneddon. Either Mr. Sneddon or
Mr. Zonen. One of them.
Q. Before you testified to the grand jury, did
you discuss your testimony with Prosecutor Sneddon?
A. Let's see. That's a good question. I mean,
I can tell you nobody -- I just -- not that day,
that's for sure. I mean, I don't -- I don't really
remember that, frankly. I know I didn't that day.
I just sat down in some room, and they called me in
and they asked me questions.
Q. Did you discuss your testimony that you gave
before the grand jury with anyone associated with
the prosecution before you gave it?
A. I should know that. I don't remember that.
I mean, I don't remember it, frankly. They may have
called me at some time on the phone, but there
wasn't any in-depth conversation about this, that I
can remember, in anticipation of my testimony.
Q. Did anyone ever tell you what questions they
were going to ask you in the grand jury room?
A. No.
Q. No one ever even came close to the subject?
A. The subject came up about the privilege, and
I was very concerned about the privilege, and that I
remember talking to somebody about.
Q. Well, you took the position it was waived in
that proceeding, didn't you? 4592

A. I didn't take the position. The prosecution took the position it was waived. And it was. But I was concerned long before it got waived when I was told that I might go -- that they wanted me.
I like being a lawyer, Mr. Mesereau. I don't like being a witness. You might understand that. And I'm much more comfortable where you are than where I am right now.
And so when -- when it was approached that I was going to become a witness and testify, I was concerned about the privilege, and I wasn't about to testify unless there was a written waiver by the children and the Arvizo -- Miss Arvizo, if they were planning on asking me what she said to me, and where we are, and what I did, and why I did it. And they obtained a written waiver.
Q. We can move on from that subject.
A. Okay.
Q. In May of 2004, you represented Janet Arvizo in an attempt to stop NBC from obtaining West Covina Police Department records, correct, of Janet?
A. Yes. I sent them a letter, I mean, saying she objected to it.
Q. Did you do anything besides send a letter?
A. We certainly -- to my recollection, we didn't file anything. I think we sent a letter. They said, "If you object" -- they sent a letter. I think the police sent a letter or something, said 4593

they were going to release it, if you object or don't object. So we objected, because she didn't want her picture -- it was about her picture, the mug shot of her picture going on television. She was worried about.
And we got assurance that nobody was going to do that, put her picture on television, since she -- her privacy was being invaded already. And so we -- once we got assurance that wasn't going to happen, I think that's what we did. So we objected, and I think the lawyers for the media gave us that assurance that nobody would do that, or something. That's what the concern was.
Q. When you filed your claim against Los Angeles County --
A. Yes.
Q. -- on behalf of Janet Arvizo, Star Arvizo, Gavin Arvizo, and Davellin Arvizo, where did you file it?
A. The County of Los Angeles.
Q. Did you have any further correspondence with them after you filed it?
A. With the county?
Q. Yes.
A. Yeah. I think so. We wanted them to investigate and they weren't investigating how this thing got leaked, and -- so I had several letters back and forth with Mr. Saunders, and then when we 4594

filed the claim, some claims adjuster for the county I think sent a letter.
Q. Now, Mr. Feldman, you previously told the jury that you don't have knowledge of the J.C. Penney case, correct?
A. No, I didn't say that. How could I not? It was all over the news. I mean, I hear it every day. I mean, I don't have any -- I mean, I didn't say that.
Q. Well, Mr. Feldman, in June of 2004, you tried to stop the release of records involving the J.C. Penney case on behalf of the Arvizos, correct?
A. We wanted the records for Janet. Mr. -- the lawyer that represented him -- them took the position we couldn't have them unless we gave them to Janet's husband. And since Janet's husband was having a love affair with the media at that time, and he was on television every day, we weren't going to let those records go out to him because we thought he would use them against her. And so we were trying to get the records, and we never got them.
Q. But you tried to stop the City of West Covina from releasing arrest records of Janet in that case?
MR. SNEDDON: I'm going to object as asked and answered.
THE WITNESS: It was the picture. It was 4595

1 the picture.
2 THE COURT: Objection sustained.
3 MR. MESEREAU: Let me just take a second,
4 Your Honor, just to look at my notes.
5 THE COURT: Yes.
6 Q. BY MR. MESEREAU: Mr. Feldman, do you
7 remember telling two individuals, Michael Viner and
8 Larry King, that Janet is making up these
9 allegations?
10 A. Absolutely not. Are you kidding?
11 Q. Do you remember meeting with those two
12 individuals at The Grill in Beverly Hills?
13 A. No. Never met with them.
14 Q. Do you know who Michael Viner is?
15 A. I couldn't pick him out. I know who he is.
16 I think the answer is I wouldn't know him if he was
17 sitting in the jury box. But I know who he is by
18 name. He's -- he's a publisher or something, or a
19 writer, or -- I don't know. Viner Books, right?
20 Something like that.
21 I certainly know who Larry King is.
22 Q. You did have a meeting with him and Larry
23 King, right?
24 A. I have never had a meeting with Michael
25 Viner in my life.
26 Q. So approximately nine months ago, you didn't
27 meet with Mr. King and Mr. Viner, correct?
28 A. I absolutely have never had a meeting with 4596

1 Michael Viner in my life.
2 Q. Okay. And did you ever tell Larry King that
3 these allegations against Mr. Jackson are false?
4 A. Absolutely not.
5 MR. MESEREAU: I have no further questions.
6 THE WITNESS: I don't even know.
7 MR. MESEREAU: Okay.
8 THE WITNESS: The proverbial answer.
9
10 REDIRECT EXAMINATION
11 BY MR. SNEDDON:
12 Q. Mr. Feldman, let's go back to the -- and
13 clarify something, if we can.
14 You were involved at one time in the
15 dependency court involving a case where there was a
16 baby who was alleged to have been abused; is that
17 correct?
18 A. Correct.
19 Q. And was the abuse, the nature of the abuse
20 in that case sexual or physical?
21 A. Physical.
22 Q. And how old was this baby?
23 A. 13 months or -- 12 months or 13 months. It
24 was an infant.
25 Q. And this was in the dependency court,
26 correct?
27 A. This was in the dependency court. These
28 parents had just adopted this child, and the County 4597

of Los Angeles was trying to take the child away from these parents.
Q. So the lawsuit involved the County of Los Angeles and the individuals who were accused, correct?
A. Correct.
Q. You indicated to the Court and to the ladies and gentlemen of the jury that at some point you did represent, to oppose a subpoena duces tecum the parents of the Arvizos, correct?
A. Yes.
Q. And what exactly was the objection that you had to that?
A. It was invading their privacy, two grandparents of this little boy, who all of a sudden the defense wants to get all of their financial records, every check they've ever written, every bank account they've ever done business in.
Q. Was there --
A. I thought it was overly broad and unfair to these grandparents, since I'm one myself, to get dragged into this thing.
Q. Did the scope of the records that were requested go far beyond the time frame of the events involved in this case?
A. I thought it was the most overbroad, overreaching thing, and we objected and brought it to the Court, to Judge Melville's attention. And 4598

frankly, I don't recall what the Judge ruled, but that's what we did.
Q. Okay. I want to go back to the Jordan Chandler versus Michael Jackson lawsuit, if we can for a moment.
A. Sure.
Q. I want to go to that point in time where the case has been settled, it's been resolved, okay?
A. Yes.
Q. Do you recall having a meeting after the case had been resolved and settled in favor of your client, with members or representatives of the Los Angeles District Attorney's Office and the Santa Barbara District Attorney's Office in your office?
MR. MESEREAU: Objection. Leading; beyond the scope.
THE COURT: Well, it's leading. I'll sustain the objection.
Q. BY MR. SNEDDON: Do you recall whether or not you ever had a meeting with representatives of the Los Angeles District Attorney's Office and the Santa Barbara District Attorney's Office in your office after the case had been resolved in favor of your client?
MR. MESEREAU: Objection. Leading; and beyond the scope; no foundation.
THE COURT: It's the same question. Maybe we just ought to call it refreshing his memory. 4599

MR. SNEDDON: I said “whether or not,” Your Honor. That doesn’t make it leading.
THE COURT: All right. I was trying to be humorous.
MR. SNEDDON: Oh, I guess I lost my humor this morning. You were trying to read my mind once before.
THE COURT: Let’s take a break.
(Recess taken.)
MR. SNEDDON: Judge, I think I can rephrase the question so we can move on. If that’s okay with the Court.
THE COURT: Yes.
Q. BY MR. SNEDDON: Mr. Feldman, I’d like to direct your attention to that point in time after you had resolved the case of Chandler versus Jackson, okay?
A. Yes.
Q. Do you recall at any point having a discussion with representatives of any District Attorney’s Office with regard to your client, Jordan Chandler, appearing before a grand jury?
A. Vaguely, yes. Vaguely, yes.
Q. Do you recall -- do you recall the substance of that conversation?
MR. MESEREAU: Objection. Hearsay; foundation; relevance; and beyond the scope.
THE WITNESS: This is -- 4600

THE COURT: You may answer “yes” or “no.”
THE WITNESS: I mean, I can’t --
THE COURT: “Yes” or “no.”
Q. BY MR. SNEDDON: You have to lean into the microphone.
A. Oh.
THE COURT: Do you want the question?
THE WITNESS: Well, yes, and no, Your Honor. I mean, I remember the substance.
Q. BY MR. SNEDDON: Okay. To your knowledge, after the case of Chandler versus Jackson was resolved, did your client, Jordan Chandler, ever appear before a grand jury?
MR. MESEREAU: Objection. Leading; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: To my knowledge, he never appeared before a grand jury.
Q. BY MR. SNEDDON: Now, you were asked by -- just before Mr. Mesereau finished his examination, about a purported conversation between you and Mr. King and Mr. Viner, or Veener?
A. Viner.
Q. Viner?
A. Viner is what he said.
Q. Yes. And do you recall any such meeting?
A. I never met with Mr. Viner. I did once meet 4601

with Mr. King. I do remember meeting with Mr. King, but I can tell you there wasn't a meeting with Viner.
Q. Were there other people present?
A. Well, we were in the delicatessen in Beverly Hills, so there were a lot of other people around.
Q. Where -- were you having breakfast, lunch, dinner? You were in a deli, I assume you were eating.
A. I was having breakfast with his -- with a producer from their show, who --
Q. Whose show?
A. Larry King's show, and he was sitting at a table, like over here, with --
Q. Indicating to your right?
A. Right. With six of his pals that he had breakfast with.
Q. And were you with somebody else?
A. Yes.
Q. Who were you with?
A. I was with his producer.
Q. Who is?
A. Whose name was, or is, Nancy Baker, I think her name was.
Q. Is that the only time you ever recall being in any kind of close proximity with Mr. Viner?
A. Well, I'm not even sure he was one of these guys. I didn't have any discussion with any of 4602

those guys about anything, I can tell you. They were trying to get me to come on their show. That's all we ever possibly talked about, is -- I knew Mr. King. I've run into him since this, I mean, at different events.
Q. By "Mr. King," you're talking about Larry King?
A. Right.
Q. The guy's on --
A. We say hello to each other. We see each other. Talk to each other. Never having talked about this case, and they did want me to come on their program. I mean, I do remember them talking to me about that.
But I can tell you that I didn't tell them, and I didn't tell anybody else, anything about what anybody tells me, because it is absolutely privileged, and it would be absolutely improper. And if anybody says that, that person is lying. Can't make it clearer than that.
Q. Let me just ask you a couple other questions, or at least one other question about the Chandler versus Jackson lawsuit.
You indicated in response to one of Mr. Mesereau's questions that the defendant in that case, which would have been Mr. Jackson, were the ones who wanted the parents to share in the financial or monetary settlement of the case? 4603

A. That's right.
Q. Now, that seems counterintuitive. Can you explain to us why that happened?
MR. MESEREAU: Objection. Relevance; foundation; move to strike.
THE COURT: Overruled.
THE WITNESS: The reason it happened was because Mr. Jackson's legal team wanted confidentiality. They didn't want anybody ever talking about this. And they were concerned if, in fact, the parents weren't getting money --
MR. MESEREAU: I'm going to object, this is nonresponsive. And move to strike.
THE WITNESS: They said this, Your Honor.
MR. MESEREAU: And calls for speculation and it's hearsay.
THE COURT: No, the question was, "Can you explain why that happened," and that's what he's explaining. So --
THE WITNESS: They told us that they wanted the parents to get the money so that the parents would be bound by the settlement agreement, so that the parents couldn't talk, that the parents couldn't write a book, the parents couldn't go -- I mean, we weren't precluded from talking to the police. We were just -- they weren't able to write a book. They weren't able to go on television. They weren't able to do anything. And they wanted the parents 4604

bound.
And it's because of that that I brought in a retired Court of Appeal Judge to become the new guardian ad litems, because I didn't want the parents taking anything away from the child.
Q. BY MR. SNEDDON: All right. Now, at the time that you were introduced to the Arvizo family, did you or were you aware of the fact that Gavin Arvizo had had cancer?
A. Yes.
Q. And were you given information about the severity of the cancer that he had?
A. Yes. Very severe. Life-threatening.
Q. And did the advice that you gave to the Arvizo family during the time that you did represent them involve considerations about Gavin's health?
MR. MESEREAU: Objection. Leading; and beyond the scope; and foundation.
THE COURT: Sustained.
MR. SNEDDON: Your Honor, could I --
THE COURT: It's beyond the scope.
MR. SNEDDON: Beyond the scope?
Q. Mr. Feldman, based upon -- well, let me go back and lay one foundational thing. Did you, during the course -- and I don't obviously want you to disclose anything that was said, but as a foundational matter, during the course of the time that you did represent the Arvizo family, and Gavin 4605

Arvizo in particular, did you have discussions with Gavin?
A. Yes.
MR. MESEREAU: Objection as beyond the scope.
MR. SNEDDON: Well, I --
THE COURT: Overruled. The answer is, “Yes.”
Next question.
MR. SNEDDON: All right.
Q. Based upon your conversations with Gavin and those of the family, and your experience in civil suits as a trial lawyer, as an experienced litigator, are you able to tell the ladies and gentlemen of the jury whether, in your opinion, Gavin Arvizo has any interest in pursuing a suit against Michael Jackson over these molestation charges?
MR. MESEREAU: Objection. Calls for speculation; beyond the scope; foundation.
THE COURT: Sustained.
MR. SNEDDON: Is that a foundational thing, Your Honor, or just in total?
THE COURT: All of them. No, that’s not a proper question.
MR. SNEDDON: All right.
Q. Mr. Mesereau asked you a question as to -- when he was asking you about criminal cases versus civil cases, and why in your opinion it would be 4606

foolish to go criminal first before you would go civil. Do you recall that?
A. He was saying it's easier to go criminal than go civil. That's what he was --
Q. And you said it was foolish?
A. Oh, I said it's foolish?
Q. Yeah, not him.
A. Oh, I said it's foolish. Yeah, well, if I said it or not, I think it is foolish.
Q. All right. Explain why.
A. Well, part of it is what he just said. As a lawyer, I want to control what happens. I want to protect this child. The only person that was ever going to be my client, even though they all signed a retainer, was this child, and -- Gavin, and I wanted to do what's best for Gavin.
The District Attorney represents the People. They have to prove it by beyond a reasonable doubt. As Mr. Mesereau says, in a civil case, you only have to prove it by a preponderance of the evidence, more likely than not.
And so I would never, if it was -- if I was going to do a civil case, ever want the District Attorney, the police, any criminal case, involved with a civil case.
In a civil case -- in a criminal case defendants have Fifth Amendment rights, and they don't have to testify. In a civil case, things are 4607

different, and I would never want to do what Mr. Mesereau said. It is almost inhumane, when you have a cancer victim, to have him go through a criminal trial, and then maybe he gets convicted, and then all of a sudden, now he's going to do it again and spend these -- these years of his life. I wouldn't do it. I wouldn't be a part of doing it. And I don't know many lawyers in this -- who practice good law would ever suggest that the District Attorney start and handle the case.

I didn't do it in '93. I wouldn't have done it in 2003. And I won't ever do it.

MR. SNEDDON: Thank you. No further questions.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Feldman, do you know that Gavin is not only in remission, he's playing football?

A. I know he's in remission. But I know that stress can impact cancer. And --

Q. But you knew he was in remission a long time ago?

A. I know -- I didn't know where he was. He's better today than he was when I first met Gavin. Gavin's done wonderful physically over the last -- how long has this been? Almost two years now. He's doing much better. If you saw him then compared to 4608

seeing him now.
Q. Have you ever been a criminal prosecutor yourself?
A. A criminal prosecutor?
Q. Yes.
A. No.
Q. Are you aware that criminal prosecutors often look to see if civil lawyers are trying to use the criminal process to win their cases for them?
A. Say that one more time.
Q. Are you aware that prosecutors often, when approached by civil lawyers, are wary to see if civil lawyers are trying to use them to win their cases for them in the criminal courts?
A. I wouldn't have any idea what they do.
Q. You're not changing what you told the jury earlier, that if you have a judgment of a criminal conviction, you can go into civil court and use it to establish liability just with the document?
A. I'm not changing what I said. If you had a criminal -- we're talking about -- no, I wouldn't change that.
MR. MESEREAU: No further questions.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. The deadly "one more question."
A. Yeah, I've heard it. 4609

Q. You know, it's an occupational hazard.
A. Yes, I know.
Q. Let's just get back to this thing that Mr. Mesereau was just talking about, the impact of a criminal conviction.
For you, as a trial lawyer, could you explain to the ladies and gentlemen of the jury what the difference is between compensatory damages and punitive damages?
A. Yeah. In compensatory, you're trying to make a person whole. The jury assesses what is the losses. In the grownup, you know, it would be loss of income, medical bills, home care, things of that nature. And pain and suffering or emotional distress. That's what we call compensatory, and what the law says about that is the purpose is to make somebody whole.
Punitive damages are something that is on top of that. It is to punish someone who needs to be punished for bad behavior. In certain places in the law -- not in all cases. Most cases you can't get them, but in certain places under the law, sexual molestation would be one. Assault and battery would be another. Fraud, where somebody is guilty of what we call malice, or fraud, or oppression, is another. And in those, the law says you got a higher standard of care, still not as high as a criminal case, but you have to prove malice. 4610

And in order to prove malice, you have to prove fault. And it's a different fault than the fault that's in a criminal -- because I don't know what exactly you have to prove in a criminal case, so I don't want to get too far ahead of myself here. But it doesn't just follow that you wouldn't have to go back to starting to prove things all over again if you were to be in a civil case. And you can't tell. You know, a lot of criminal cases wind up hung juries. I mean, it's just not the way most civil lawyers do things, and --

MR. SNEDDON: Thank you. No further questions.

THE WITNESS: (To Mr. Mesereau) Well, there goes that last question, huh? If you'd raise your hand, I'd stop.

RECROSS-EXAMINATION

BY MR. MESEREAU:

Q. Mr. Feldman, if you're going in front of a civil jury, and you're trying to prove that the civil defendant acted with malice --

A. Yes.

Q. -- don't you think it might affect that jury if the civil defendant is a convicted felon?

A. I think it helps. Yeah. Sure.

Q. Of course it helps, doesn't it?

A. Of course it helps. But that's -- you know, 4611

you got to balance this about a kid who's got cancer and who's sick and --
Q. That's not what we're talking about, Mr. Feldman. I asked you, if you go into civil court and are trying to prove malice to get punitive damages, and the defendant is a convicted felon, you have a much easier road, don't you?
A. I -- yes.
MR. MESEREAU: Thank you.
MR. SNEDDON: I keep my word.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you, Your Honor.
THE COURT: Call your next witness.
MR. AUCHINCLOSS: People call Jesus Salas.
THE BAILIFF: He's on his way in.
THE COURT: Come to the front of the courtroom, please. When you get to the witness stand, please remain standing. Face the clerk and raise your right hand.

JESUS SALAS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record. 4612

THE WITNESS: My name is Jesus Salas.
J-e-s-u-s; Salas, S-a-l-a-s.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Salas.
A. Good afternoon.
Q. In the year 2003, Mr. Salas, who were you employed by?
A. I was employed by Neverland Valley Ranch.
Q. And who was your employer?
A. Mr. Jackson.
Q. Michael Jackson?
A. Michael Jackson, yes.
Q. The man seated to my right?
A. That is correct.
Q. Mr. Salas, how long -- well, let me back up. When did you cease to work for Neverland Valley Ranch? When did you stop working there?
A. It was late June 2003.
Q. And how many years did you work at Neverland Valley Ranch?
A. 20 years.
Q. Did you work there before Mr. Jackson bought that property?
A. Yes, sir.
Q. And what did you do during your years at 4613

working at Neverland Ranch? What were you employed doing?
A. I was outside on-grounds maintenance supervisor.
Q. You were a supervisor of grounds maintenance?
A. Right.
Q. And what did that involve?
A. Keeping up the place, you know, maintaining the place, and anything that -- any activities that needed to be done on the grounds.
Q. Did you have people working under you?
A. Yes.
Q. And how many?
A. I believe it was about 15 people, something like that.
Q. 15?
A. Uh-huh.
Q. Who did you report to during that period of time?
A. We had a ranch manager.
Q. And at some point, did you change jobs?
A. Yes, I did.
Q. When was that?
A. It was -- I would say it was in the middle of 2002.
Q. And what job did you take up? What was your new job at that time? 4614

A. I was assigned to be the house manager for Mr. Jackson.
Q. Was that a promotion?
A. I would say yes.
Q. Okay. More responsibility?
A. More responsibility.
Q. And what did you do as the house manager?
A. Making sure that the house was -- making sure that everything that the house needed to be done. I was just to make sure that everything was there for Mr. Jackson and his guests.
Q. And when you say “the house,” what structure or structures do you mean with specificity, specifically?
A. It was the main house and guest units, theater. Anything involved with the facilities of Mr. Jackson.
Q. How many people did you have working under you as house manager?
A. Eight people.
Q. And what were their various employments? What did they do?
A. House -- house maids and cooks.
Q. So who did you report to when you were house manager?
A. We also have a ranch manager. But I also report to Mr. Jackson.
Q. Did you report directly to Mr. Jackson? 4615

A. Yes, I did.
Q. And whereabouts did you work? What was --
in your day-to-day life as house manager, your
employment as house manager, tell me about -- give
me an idea of what you would do in a given day.
A. Well, we did the various of things, you
know. Making sure that the place was clean. Making
sure that we had everything stocked, supplies. And
making sure that the guesthouse was clean. Stuff
like that. Just keeping up with the place.
Q. Did you have an office or anything of that
nature?
A. Yes. There's an office in the house.
Q. And where is that located?
A. It's in the back of the house, as you first
go into the main, the back door on the left side.
Q. When Mr. Jackson was on the property, how
often would you have contact with him, as house
manager?
A. Daily basis.
Q. More than once a day, or -- give me an idea,
if you would.
A. Sometimes it was once. Sometimes it was
more than that. It depends.
Q. And if Mr. Jackson wanted something done,
let's say he wanted flowers in a certain place at
the house, who would take care of that?
A. It was -- that responsibility, it was some 4616

other people who was in charge of the flowers.
Q. Okay. Would he -- who would he tell that he wanted the flowers in that particular place?
A. Mr. Jackson will tell anybody that he wanted to first.
Q. Okay. As far as keeping the kitchen stocked, was that one of your jobs?
A. Yes.
Q. What about alcohol on the ranch, was that your job as well, to keep alcohol stocked?
A. I had to make sure that we had what he needed or anything that needed to be in the house.
Q. Can you characterize for me what level of service Mr. Jackson expected at Neverland Ranch?
A. The best.
Q. What were your daily hours like?
A. It was pretty long hours. 7 a.m. to -- to 1:00 or 2:00 in the morning. 3:00 sometimes.
Q. Was that a normal day for you to work such long hours?
A. It was not normal. But it was a requirement that we had it -- to get things done.
Q. And can you characterize for me the expectation that Mr. Jackson had concerning the level of service?
MR. MESEREAU: Objection. Vague; calls for speculation.
THE WITNESS: When you say “expectation,” 4617

could you specify it a little bit?
MR. AUCHINCLOSS: Just a moment.
THE COURT: Okay, he's asked you to clarify.
Q. BY MR. AUCHINCLOSS: You said that the services for Mr. Jackson was first class?
A. Yes.
Q. Yes?
MR. MESEREAU: Objection; misstates the evidence.
Q. BY MR. AUCHINCLOSS: I can't recall exactly what you said. What did you say about the level of service?
A. That he expected the best.
Q. He expected the best. Okay. And if he didn't get the best, would he let you know that?
A. Yes.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Was Mr. Jackson shy about telling somebody, an employee, that he was displeased about something?
A. Not necessarily. He would tell you the way -- he will make you understand what he wanted.
Q. Did he ever fire people?
A. Not that I'm aware of.
Q. Was he ever responsible for firing someone?
A. No.

Q. You don’t know if he ever wanted someone fired?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Was anybody fired during the period of time that you worked there?
A. Yes.
Q. Tell me, was anybody fired when you worked as a house manager?
A. No, nobody.
Q. While you worked at Neverland, were you ever asked to maintain any level of secrecy about what happened at Neverland?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: There’s -- there’s a procedure that when you are hired at Neverland Valley Ranch you do sign some confidentiality forms.
Q. BY MR. AUCHINCLOSS: And when you agree to that form, what are you agreeing to?
A. To respect the policy.
Q. What is the policy?
A. Of not talking anything that you shouldn’t talk about, Neverland.
Q. Okay. Are you allowed to talk about anything that happens on Neverland off the Neverland

property?
A. No, you're not.
Q. Why did you -- why did you leave your employment at Neverland?
A. The reason I left -- it was many things involving that. And I became to the point that I say, you know, "This -- it's time for me to move on." There was some things that I didn't like about how things were running there. So it was a lot of stress, and I say, "Okay, it's time for me to move on."
Q. Whose decision was it to leave Neverland?
A. It was my decision.
Q. When you were working at Neverland as the house manager, did you have occasion to go into Mr. Jackson's private quarters?
A. Yes, I did.
Q. Were you -- did you have occasions where you went upstairs into the bedroom area?
A. Yes.
Q. Was there any notification system that signaled Mr. Jackson when someone was coming into his room?
A. Yes.
Q. Can you describe it for me?
A. It was a doorbell as you come through the hallway. You can tell when somebody was approaching to the door. 4620

Q. And what kind of sound did it make?
A. It's a bell.
Q. Just a bell?
A. Uh-huh.
Q. Now, as you entered Mr. Jackson's room, tell me about the first level.
A. He had a big T.V. upstairs. There was some couches.
Q. Were there windows in that area?
A. Yes.
Q. Did they have any window coverings?
A. Yes, they did.
Q. Generally speaking, would Mr. Jackson keep those -- well, let me, first of all, strike that. Let me ask you, what type of window coverings are we talking about?
A. Shutters.
Q. Shutters?
A. Uh-huh.
Q. Were there any curtains?
A. No.
Q. Typically would the shutters be open, closed, or something in between? You tell me.
A. They were closed.
Q. They usually were closed?
A. That's correct.
Q. Could people from outside see inside Mr. Jackson's room? 4621

A. No.
Q. Was it generally dark in there?
A. Pretty much.
MR. MESEREAU: Objection. Foundation; move to strike.
THE COURT: Overruled.
MR. AUCHINCLOSS: If I may approach, Your Honor?
MR. MESEREAU: May I see what counsel's --
MR. AUCHINCLOSS: Yes, certainly.
Q. BY MR. AUCHINCLOSS: All right. Mr. Salas, I show you People's Exhibit No. 338. Can you identify that photograph for me, please?
A. Yes. That's Gavin, Star, and the sister.
Q. Okay.
A. Davellin.
Q. Davellin?
A. Davellin.
Q. Are those the Arvizo children?
A. That is correct.
Q. I show you People's Exhibit No. 3. Have you ever seen that individual?
A. I probably have. I don't remember.
Q. Okay. If you -- does he look at all like somebody you've ever seen at Neverland Ranch?
A. Yes.
Q. He does?
A. Uh-huh. 4622

Q. But you don't know his name?
A. No. I don't remember his name.
Q. I show you People's Exhibit No. 17. Do you recognize that picture?
A. Yes, sir.
Q. And who is that?
A. Dieter.
Q. Dieter?
A. Uh-huh.
Q. Was he a visitor at Neverland Ranch?
A. Yes, he was.
Q. I show you People's Exhibit No. 18. Can you identify that photograph?
A. That's Mr. Ronald.
Q. Ronald?
A. Uh-huh.
Q. This photograph is maybe not so good, but I'll show it to you anyway. People's Exhibit 19. Are you able to identify that individual?
A. Yes. Can't remember his name. Sorry.
Q. Okay. We'll talk about him. People's Exhibit No. 20. Do you recognize him?
A. That's Frank Tyson.
Q. Frank Tyson. People's Exhibit No. 21, I show you that. Can you recognize that?
A. That is Aldo. 4623

Q. Aldo?
A. Uh-huh.
Q. And then I have three exhibits which we haven't introduced yet. Exhibit 46, do you recognize that photograph?
A. I do, but I don't remember his name.
Q. People's Exhibit 45?
A. Yes, I do.
Q. Do you recognize that?
A. Yes.
Q. Do you remember his name?
A. No.
Q. And People's Exhibit 47, do you recognize that photograph?
A. Yes, I do. Don't remember his name.
Q. All right. Good enough.
First of all, going back to 47, how do you recognize this picture? Where have you seen that face before?
A. At Neverland Valley Ranch.
Q. And have you seen this person at Neverland Valley Ranch on -- give me an idea of how many times he's visited there.
BAILIFF CORTEZ: They can't hear you, sir, in the back.
Q. BY MR. AUCHINCLOSS: How many times has this individual visited at Neverland Valley Ranch, if you know? 4624

A. I'm not quite sure how many times. But he was there quite a few times.
Q. Quite a few times?
Did this individual associate with Mr. Jackson while he was at Neverland Valley Ranch?
A. Yes, he did.
Q. Showing you Exhibit 45, can you tell me how many times this individual was at Neverland?
A. About the same amount of times.
Q. A number of times?
A. Yes.
Q. Did he also associate with Mr. Jackson?
A. That is correct.
Q. People's Exhibit 46, same question. Was he -- how many times did he come to Neverland?
A. Same answer.
Q. Many times?
A. Uh-huh.
Q. Did he also associate with Mr. Jackson?
A. That's correct.
Q. Thank you.
Those last three photographs that I showed you, Mr. Salas, is there anything that these three individuals have in common?
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Can you tell me, do those three individuals have anything in common 4625

concerning the area where they live?
A. They --
MR. MESEREAU: Objection; vague.
THE WITNESS: They live in Los Olivos.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: All right. So, let's go back to the Arvizo family. Or -- I think I'll begin with a different photograph.
Could I have the Elmo on, please, Your Honor?
All right. Showing you People's Exhibit No. 3, you previously identified that photograph as someone that you've seen at Neverland Valley Ranch; is that correct?
A. That is correct.
Q. Can you tell me approximately -- if you have seen that individual at Neverland Valley Ranch on more than one occasion.
A. I believe I have, but I'm not quite sure how many times.
Q. Okay. Can you tell me if that individual had any association with Michael Jackson while he was at Neverland Valley Ranch?
MR. MESEREAU: Objection; foundation.
MR. AUCHINCLOSS: I can --
THE COURT: Overruled.
You may answer.
THE WITNESS: I believe they did. 4626

MR. AUCHINCLOSS: All right.
Q. Showing you Exhibit No. 20. I believe you've identified this as whom?
A. Frank Tyson.
Q. And how long have you known Frank Tyson?
A. I know Frank Tyson for quite a few years already.
Q. Can you give me an idea how old he was when you first met him?
A. Not quite sure how old he was, but he was pretty young.
Q. Okay. Can you estimate?
A. He was probably about 18 years, or something like that.
Q. 18 years old?
A. Something like that.
Q. When you first met him?
A. Right.
Q. Do you know how old he is now?
A. I don't.
Q. Okay. And where did you meet him?
A. At Neverland Valley Ranch.
Q. And did he associate with Mr. Jackson while he was at Neverland Valley Ranch?
A. Yes, he did.
Q. How often?
A. I would say pretty often.
Q. Do you know what his relationship was with 4627

Mr. Jackson?
A. Just a friend, I believe.
Q. Okay. Have you ever described him as Mr. Jackson's right-hand man?
MR. MESEREAU: Objection. Leading; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: At one point, yes, sir, he was.
Q. BY MR. AUCHINCLOSS: When was he Mr. Jackson's right-hand man?
A. Don't remember exactly the year that he was, but I believe it was probably around '90. I want to say that. Not quite sure of the year, you know.
Q. 1990?
A. Somewhere around there.
Q. So that would have been 15 years ago?
A. Something like that, I would say. Maybe less than that.
Q. How old do you think he is now?
A. I'm not sure. I don't know. I honestly don't know.
Q. How many years have you known him?
A. Well, I want to say it was about 15 years since the first time I met him.
Q. All right. Now, why did you characterize him as "Mr. Jackson's right-hand man"?
A. Because at one point he came to the ranch 4628

and he is the one that was giving orders as to what to do around the property.
Q. When he was there in 2003 -- well, let me back up. Was Frank Tyson on the ranch in 2003?
A. Yes, he was.
Q. And when he was there in 2003, did he also give orders as to what should go on at the ranch?
A. No.
Q. Didn't he also give you some orders, Mr. Salas?
MR. MESEREAU: Objection; leading.
MR. AUCHINCLOSS: That's impeachment.
MR. MESEREAU: Misstates the evidence. It's asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, he did. I mean, he did, but not the same orders as when he was the first time. This was more like for Mr. Jackson.
Q. BY MR. AUCHINCLOSS: More like he was giving you orders for Mr. Jackson; is that what you're saying?
A. Yes.
MR. MESEREAU: Move to strike. The prosecutor didn't let him finish his answer. And that's leading.
THE COURT: Actually, he's just repeating what the witness said. Would you phrase a new 4629

1 question, please?
2 MR. AUCHINCLOSS: Yes. Thank you.
3 Q. Why do you say that he was giving you orders
4 for Mr. Jackson?
5 A. Because many times, if things that needed to
6 be done, or anything that need -- to Mr. Jackson to
7 be notified, he would said, “I will take care of
8 that.” So that’s how I realized that he was also
9 giving orders.
10 Q. Did you ever see Mr. Jackson give Frank
11 Tyson orders or --
12 A. No, no, I didn’t.
13 Q. And did Mr. Jackson spend time with Frank
14 Tyson in 2003?
15 A. Yes.
16 Q. Can you characterize how often they would
17 spend time together when they were at the ranch?
18 A. I would say, I don’t know, about once a day
19 or something like that. All depends.
20 Q. Once a day they would get together?
21 A. On occasions. Not always, okay?
22 Q. I’m just asking you for what you saw.
23 A. Right.
24 Q. Okay. So when you’d see them get together
25 during the day, can you tell me, whereabouts would
26 they meet on the ranch? Where would you see them?
27 A. Many times it was in his office. Many times
28 it was in the video library. Not in the video 4630

library. The library at the house.
Q. Uh-huh.
A. Sometimes in Mr. Jackson's room.
Q. When you say "his office," do you mean Mr. Jackson's office?
A. Mr. Jackson's office, yes.
Q. Can you tell me, how would you characterize their relationship, based upon what you saw, the years of seeing them together?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Overruled.
You may answer. Do you want the question read back?
THE WITNESS: Yes. Go ahead and ask the question again, please.
Q. BY MR. AUCHINCLOSS: My question is, how would you character -- how would you describe their relationship, based on all the years that you saw Mr. Tyson and Mr. Jackson associating with one another?
A. I would say that it was some friend relationship, bonded together.
Q. How would you characterize it in terms of closeness?
A. What do you mean by that?
Q. Well, were they close friends or distant friends? You know what I mean, I think. 4631

A. No, I think at one point they were pretty close friends.
Q. Did they still appear to be friends in 2003?
A. Not really.
Q. Not really?
A. No.
Q. Well, Mr. Tyson was a guest in 2003, wasn't he?
A. Yes, he was.
Q. And he was -- did Mr. Jackson allow guests on the ranch when he didn't want them there?
MR. MESEREAU: Objection; leading question.
THE COURT: It's argumentative.
MR. AUCHINCLOSS: Okay.
Q. Do you know if Mr. Jackson allowed anybody on the ranch who he was not friends with?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: If Mr. Jackson did not want somebody on the ranch, would he keep them out?
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Is there a security gate at Neverland Ranch?
A. Yes, there is.
Q. And does someone have to get permission to 4632

get into Neverland Ranch?
A. Absolutely.
Q. And if Mr. Jackson says, “Don’t let this person in,” will that person get into Neverland Ranch?
A. No.
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Overruled. The answer is, “No.”
Q. BY MR. AUCHINCLOSS: Now, during this time in 2003, was Mr. Jackson still meeting with Frank on about a daily basis?
MR. MESEREAU: Objection. Misstates the evidence; move to strike; it’s leading.
THE COURT: Assumes facts. I’ll sustain the objection.
MR. AUCHINCLOSS: Okay.
Q. When Mr. Jackson and Mr. Tyson -- well, let me back up.
In early 2003, January, February, March 2003, where was Mr. Tyson living?
A. He was living -- he was at the video library.
Q. At Neverland Ranch?
A. Yes, sir.
Q. He had his own bedroom there?
A. They had a bed upstairs, yes.
Q. And during that period of time in 2003, 4633

would you see Mr. Jackson and Mr. Tyson together?
MR. MESEREAU: Objection; asked and
answered.
THE COURT: Sustained.
THE WITNESS: Occasionally, yes.
Q. BY MR. AUCHINCLOSS: You would see them
together?
A. Yes.
Q. Did Mr. Tyson have an office set up at
Neverland Valley Ranch during that period of time?
A. Yes, he did.
Q. Where was his office?
A. It was in the video library.
Q. Was there anybody else who had an office in
the same area?
A. Yes. That was Vinnie.
Q. Who?
A. Vinnie.
Q. Vinnie?
A. Uh-huh.
Q. Who is Vinnie?
A. Vinnie was a friend of Frank Tyson. Or I
guess, I should say.
Q. Where was Vinnie living during that time?
A. He was living in the same area, same place.
Q. I show you grand jury exhibit -- or, sorry,
People’s Exhibit No. 19. Can you identify that
photo? 4634

A. Yes, that's Vinnie.
Q. All right. Do you know what the office that Vinnie and Frank had in the video library was being used for? Do you know what they were using that office for during that period of time?
A. No, I don't.
Q. That was in the house; is that true?
A. That was at the video library.
Q. Is that in the house?
A. That is outside the main house.
Q. Okay. And where is it?
A. That is above Mr. Jackson's office, upstairs.
Q. Okay. So is that connected in some way by any building to the main house?
A. Yes, they're all bonded together.
Q. They're all part of the same structure?
A. Right.
Q. And would Mr. Jackson go up into the video library during that period of time, in early 2003?
A. I would say occasional.
Q. And why didn't you know what was going on up there? Why didn't you know what Frank and Vinnie were doing up there if you were the house manager?
MR. MESEREAU: Objection. Calls for speculation; no foundation; leading.
THE COURT: Overruled.
You may answer. 4635

THE WITNESS: It wasn’t my business to find out what they were doing up there.
Q. BY MR. AUCHINCLOSS: Were you ever discouraged from asking those kinds of questions?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
THE WITNESS: Not really.
MR. MESEREAU: Withdraw the objection.
(Laughter.)
THE COURT: (To the jury) You know, we are -- I think we’re at a point where we’ll stop, because we have to take up a motion with the attorneys before the end of the day. So I’ll let you go early. We’ll see you on Monday morning at 8:30.
If you haven’t seen the wildflower displays -- I went out yesterday. It’s really worth seeing. Highway 58 out of -- up by Lake Santa Margarita. If you go out on that, it’s just carpets and carpets of yellow and spotted with blue, and it’s just a nice way to relax. I recommend it.
Thanks. I’ll see you -- remember next Wednesday we’re dark.
MR. AUCHINCLOSS: Mr. Salas? You come this way.
THE WITNESS: Oh. Somebody needs to guide me.

(The following proceedings were held in
open court outside the presence and hearing of the
jury:)

THE COURT: All right. Mr. Sanger, you had a
motion you wanted to make?
MR. SANGER: Yes, Your Honor. There's
actually two things. But the first is a motion
regarding prosecutorial misconduct, and the issue is
the admonishment by the prosecutors to their
witnesses to conform to the courts orders. In
particular, in this case, we have several witnesses,
Louise Palanker, who discussed her testimony with
Jamie Masada, and perhaps vice versa, but at least
there's clear evidence of that. We have Bill
Dickerman, who talked with Dr. Katz. We had Larry
Feldman, who talked with Mr. Dickerman and Dr. Katz.
And it is up to the parties who call the witnesses
to admonish them to conform to the courts orders.
The courts already admonished the
prosecution that they need to do that with regard to
the gag order and going outside and talking to the
press. That may have occurred, actually, since the
Court made that admonishment. But in particular, at
this point, I'm addressing the discussion of
testimony between witnesses who are witnesses called
by the prosecution.
The prosecutor has sufficient staff, 4637

including a witness coordinator, to take care of this, sheriff's personnel and the D.A.s themselves. It seems to be a consistent problem, and as a result of that, I believe it rises to the level of prosecutorial misconduct. It could be conveniently forgotten, but it just couldn't be innocently forgotten after all this time, and the repetition of the -- of the misconduct on the part of the witnesses that we've heard.

So I'd ask the Court to fashion an appropriate remedy. Remedy number one, of course, in any misconduct situation, prosecutorial misconduct situation, is a mistrial. And depending on how the Court rules on that, I have a proposed curative instruction. But the Court would have to rule on the first remedy before we get to that, I believe.

I can go ahead and give the Court a quick idea, because I don't want to spend unnecessary time. If the Court denied the motion for mistrial, I think a proper curative instruction is along the lines of other instructions, that the Court can advise the jury that witnesses called by a particular party, in this case the prosecution, are supposed to be admonished by the -- by the lawyers calling them to conform to the courts order.

And if the jury finds that they have not conformed to the courts orders particularly in this 4638

case, not to discuss their testimony with other witnesses, that the jury can draw an adverse inference from that as to the credibility of the witnesses, and as to the strength of their testimony. And that the jury, if they find that to be true, can disregard the entire testimony of the witness, unless the review of all the facts in the case supports the testimony of that witness. And that would be the alternative, but I propose that only in the event that the Court denied the motion for mistrial.

THE COURT: Counsel?

MR. SNEDDON: Well, first of all, Your Honor, I don't think there's any evidence that they were discussing their trial testimony. The discussion was they had conversations. There's no evidence at all that I can hear of that they talked about -- about their trial testimony. And even in the case of Palanker, she didn't discuss her trial testimony. She discussed some observations about the behavior of one of the lawyers in the courtroom. And --

THE COURT: When did she do that?

MR. SNEDDON: I'm sorry?

THE COURT: When did she do that?

MR. SNEDDON: When Mr. Masada testified -- when counsel asked Mr. Masada, he was trying to get him to say that she said something about the 4639

pathological liar thing, but she really didn't. She really said something else. She said -- I don't want to describe it again, but I can if you want me to, about counsel's behavior, that he was --
THE COURT: Did she say that outside the courtroom?
MR. SNEDDON: Yes, sir. It wasn't --
THE COURT: I don't -- I haven't watched this --
MR. SNEDDON: No, no. Let me go back. I --
THE COURT: I'm missing something.
MR. SNEDDON: The whole thing -- these ought to be put in writing, if there's a motion, and we ought to be able to respond in writing. It would be more efficient.
THE COURT: Let's do this. I think that's a good way to do it. Why don't you put something in writing for Monday morning, and --
MR. SANGER: My free time on the weekend while I'm looking at the flowers?
THE COURT: Yes. If you want -- if you look at the flowers, I'll give you till Tuesday.
(Laughter.)
MR. SANGER: There's an incentive. I'll do both and try to get it for you on Monday, Your Honor.
THE COURT: And then you'll have to respond by Tuesday. 4640

MR. SANGER: Okay. The other matter --
THE COURT: Okay.
MR. SANGER: -- it was simply that we had submitted, I believe, by remote control proposed instructions on the 1108 and 1101, and I believe the Court got it, although I was sitting here --
THE COURT: Yes, I did. I received it.
MR. SANGER: And I believe the prosecution indicated they were relying on the straight CALJICs.
THE COURT: They showed me theirs. They pulled -- did you show each other what you had given me?
MR. SANGER: They served it.
MR. SNEDDON: I gave the clerk the copies of the ones that we had given you, but they already had a copy of those previous. They're the standard 1108, 1101 instructions.
THE COURT: The only reason I asked that is there's a little more. You gave a couple of -- there's more than just the key instruction. There's some others that may or may not be given. It gave a package. And I'm not saying it's outside of the framework, it's just -- there's a couple more -- I just want to be sure everyone's looking at the same instructions.
MR. SANGER: I do not know which instructions they selected out. And we did serve ours, I believe, on the prosecution. I'm sure we 4641

1 did.
2 THE COURT: Okay. Well, they can tell you
3 the numbers. They are CALJIC instructions.
4 Standard 1101, 1108. And that there were a couple
5 of additional ones that are connected to it. I'm
6 not saying they're not connected.
7 MR. SNEDDON: The burden of proof, yes, sir.
8 THE COURT: The burden of proof.
9 MR. SNEDDON: CALJIC says you have to give
10 that when you give that instruction, yes, sir.
11 THE COURT: And I think there was one other,
12 too.
13 MR. SNEDDON: Well, the standard of proof
14 upon -- I'll take care of it, Your Honor. There's
15 no use wasting the courts time with that.
16 THE COURT: What I thought we would do -- I
17 won't give any instructions until we've all had a
18 chance to discuss which ones should be given.
19 MR. SANGER: My understanding is the
20 prosecution is going to call their first 1108
21 witness on Monday. Obviously this witness will
22 still be going. So hopefully we'll have a chance to
23 take that up at the 9:45 break, or something.
24 THE COURT: We'll take it up before we call
25 1108 witnesses, so that --
26 MR. SANGER: Very well.
27 THE COURT: Because I want to do that.
28 MR. SANGER: Thank you, Your Honor. 4642

THE COURT: All right. We'll see you on Monday.

(The proceedings adjourned at 2:30 p.m.)

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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 4476 through 4643 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 1, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 1, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304